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BURKE'S SPEECH
ON
CONCILIATION WITH AMERICA

MARCH 23, 1775

EDITED WITH INTRODUCTION AND NOTES

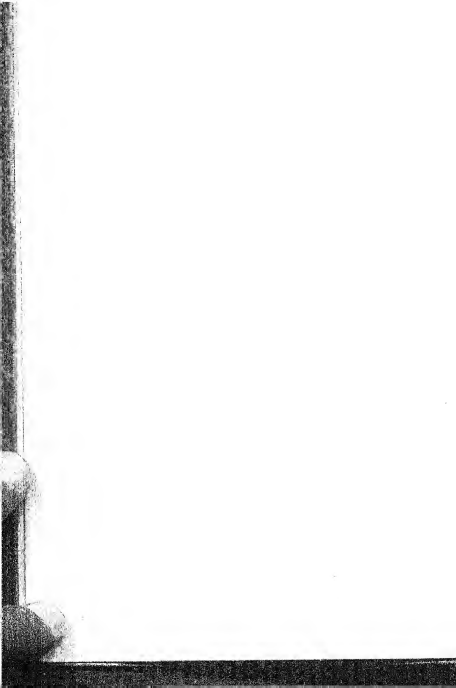
BY

JOHN MORRISON, M.A., D.D.,

LATE PRINCIPAL AND PROFESSOR OF ENGLISH LITERATURE, CHURCH OF
SCOTLAND COLLEGE, UNIVERSITY OF CALCUTTA.



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INTRODUCTION.

RIGHT and left of the entrance to Trinity College, Dublin, are the statues of two former students, regarded as Alma Mater's most eminent sons. These are the statues of Oliver Goldsmith, 1726—1774, and Edmund Burke, 1729—1797; they were college contemporaries, as if some special rays of genius had been shed upon Trinity College in the forties of the eighteenth century.

To contrast Burke with his contemporary Goldsmith is an easy way of getting a first comprehension of Burke, the less known of the pair. Contrast could hardly be greater. On the one hand, in Goldsmith, we have the literary artist who lightly touched so many themes and touched none that he did not embellish, and on the other hand, in Burke, we have the political philosopher who touched no theme which he did not seek to fathom to its fundamental principles. There is the striking contrast, too, between the poorly furnished mind of Goldsmith and the exact and encyclopædic lore of Burke, between the nervous sensitive poet who lost his head in ordinary conversation—who "wrote like an angel and talked like poor poll"—and the oratorical genius who, both in thinking and in literary power, was at his best when he faced the House of Commons as one of a hopeless and flouted minority, and

about whose conversational gifts, Dr. Johnson made the famous pronouncement. There is the contrast finally between that most popular of English poets, of all, at least, whose poems have stood a century's test, and the deep thinker whose memory depends upon the attention, more or less enforced, of the professed students of English Literature, Political Philosophy, or Oratory. In certain aspects of temperament, no doubt, we see a great similarity, if not a sameness, in Burke and Goldsmith. Both possessed in high degree the poetic imagination, the Celtic warmth, and the Irish sympathy with those who are down, as well as that elasticity of hope and cheerfulness which is proverbial of the Sons of Erin.

We are all familiar with the face and general appearance of the popular poet and novelist. But the name of Edmund Burke conjures up no *person* to the ordinary reader. There is, however, besides the statue already referred to, a portrait of Burke in the Examination Hall of Trinity College, Dublin; and the National Portrait Gallery in London contains the original of his portrait by Sir Joshua Reynolds. But it is to the political caricatures of the last quarter of the eighteenth century, with their exaggeration of the salient features, that we are specially indebted for the most vivid conception we have of Burke's actual face and presence. The spectacles upon the long, straight nose, the confidently erect head, the compressed mouth, the prominent though not heavy chin recur again and again. There also we see Burke as he appeared addressing an audience. In his intensity, we see him leaning forward, with both his hands clenched and thrust out beyond his

head. There is no doubt some exaggeration in the postures and gestures, but there is no doubt that they are typical of Burke, as he looked in the delivery of one of his great speeches in the House of Commons or in Westminster Hall.

A full-length portrait of Burke as he first appeared to the House of Commons in the sixties is given by his biographer, MacKnight.

"Tall and apparently endowed with much vigour of body, Burke's presence was noble, and his appearance prepossessing. In later years, the first peculiarity which caught the eye, when Burke walked forwards, as his custom was, to the middle of the House to speak, was his spectacles. But as yet he had no habitual occasion for such helps, and his bright eyes beamed forth with all their overpowering animation. A black silk ribbon by which an eyeglass was suspended appeared on his frill and waistcoat. As for his dress, though not slovenly, it was by no means that of a leader of fashion. Burke had the air of a man who was full of thought and care, to whom his outward appearance was not of the slightest consideration. But as a set-off to that disadvantage, there was in his whole deportment a sense of personal dignity and habitual self-respect, which more than compensated for the absence of the graces of the tailor. His brow was massive; it was a brow where intellect seemed to have made her chosen temple. Those who knew how amiable Burke was in his private life, and how warm and tender was his heart, might have expected to see these softer qualities, also, depicted on his countenance. But it was not usual at any time in public to see Burke's face mantling

with smiles ; he looked a great man, but not like a meek or gentle one. Burke did not seem like a man to whom the world had been easy. Nor had it been. His life had been a constant struggle. He had been calumniated. He had been thwarted. His means had been, and continued to be, scanty. He had to supply by *his* energy the langour of his friends. His life, more than that of almost any other man, was a march and a battle. All his troubles were impressed on his working features, and gave them a somewhat severe expression, which deepened as he advanced in years, until, to some observers, his face became unpleasantly hard. The marks about the jaw, the firmness of the lines about the mouth, the stern glance of the eye, and the furrows on the expansive forehead, were indeed sad ravages left by the difficulties and sorrows of genius, and by the iron which had entered the soul. It was only, however, as years rolled on, and Burke's natural vehemence grew with the prejudices which were industriously excited in certain quarters against him, that these harsher peculiarities grew painfully obvious."

Mr. MacKnight's description of Burke the orator is also worth quoting. "From the first," he says, "Burke's Hibernian accent might very perceptibly be distinguished whenever he began to address the House. His voice was of great compass, and, expressing the depth of his convictions, gave much energy to the communication of his ideas. He never hesitated for want of words. His utterance was rapid and vehement ; but quick as it was, his thoughts flowed forth with still greater freedom, and threatened to overcome the power

of speech. As he spoke, his head was continually in motion, and appeared now to rise and fall, and now to oscillate from side to side in a very singular manner with the nervous excitement of the speaker.

"Burke seemed not one but many orators. The most extensive knowledge, the most ingenious wit, the brightest fancy, the most powerful reasoning, the most profound reflection, the most copious vocabulary, the most impassioned declamation ever displayed in a political assembly, were all at the command of Burke. They were not infrequently all exerted in a single oration. His transitions were rapid and astonishing. At one moment the House was convulsed with laughter at a pleasant sally in which the keenest wit was illuminated by the most brilliant flashes of the imagination, as lightning plays round a blade of the finest steel; at another, his mind ranged over the lore of all ages; at another, he reasoned on the science of government, and everlasting truths, applicable to all ages and nations, fell in profusion from his lips; at another, his voice became deep, solemn and almost unearthly, as he denounced, in the exalted strain of a Hebrew prophet, woe and destruction against the iniquities of the earth.

"The ordinary politicians were amazed, and at last confounded by such a wonderful exhibition. The orator, besides, taxed the powers of his hearers to understand him; it was necessary to follow his flights with the mind at full stretch; and thus, alas, it came about that Burke's rising in the House grew to be regarded as a dinner bell. To ordinary members all this eloquence, argument, and illustration appeared of no importance

as regarded the simple question on which they had long made up their minds."

Burke was indeed severely handicapped in addition to the disadvantages attendant on the possession of such great qualities. His speech at once betrayed his nationality, and in the middle of the eighteenth century, to be an Irishman was about as great a bar to public popularity as to be a Scot. The taint of the adventurer seemed to cling to men of either nation seeking to make their way in public life in London. Besides, Burke was only a *novus homo* in the political world. He belonged to none of the great families whose members were presumed to have an inherent right to high political office. In our democratic days, when so many literary and professional men have attained to high political office, it is difficult to realise the barrier in the way of a *novus homo* in the days of Burke. Burke had to see his own aristocratic pupil, Charles James Fox, step over his head to leadership, and inferior men promoted, while he himself remained in a subordinate place. "I am not descended from members of Parliament," said Burke, in 1771, to one of these hereditary political aristocrats. Further, the political side upon which Burke found himself was the losing side. The Whigs were now powerless as a party. By the middle of the eighteenth century they had lost all party cohesion, and were split up into sections, many members proclaiming as their motto: "Not men, but measures"—they would bind themselves to no party leader. Even Chatham, himself, the great leader, took that same view of parties, that they were factions, and set up as his last ministry, in 1766, a

non-party ministry, "such a piece of diversified mosaic, such a tessellated pavement without cement, here a bit of black stone and there a bit of white, patriots and courtiers, King's friends and republicans, whigs and tories, treacherous friends and open enemies." It was in this condition of affairs that Burke wrote his *Thoughts of the Present Discontents* in 1770, in which he advocated the loyal recognition of the claims of party, distinguishing party from faction. Party was "a body of men united, for promoting by their joint endeavours the national interest upon some particular principle in which they are all agreed." But all was in vain. Fostering this disintegration of parties, George III., dividing and conquering, established his own influence so strongly that he completely dominated his ministers, at least during the whole of Lord North's ministry, from 1770 to 1782. For Burke, the champion of the party system, of the American colonists, and of other unpopular causes, there was, therefore, for nearly all his life, only the position of valued henchman to the leaders of a helpless minority.

But the second half of the eighteenth century was crowded with epoch-making events and these furnished the genius of Burke with fitting and varied ground for the exposition of great political principles and for the denunciation of public misconduct. At Burke's first entry into public life, Britain was superseding France as chief colonial power both in India and America, the expulsion of France from America directly paving the way for the new attitude of the American colonies to the mother country. Thus, from 1764 to 1775, was created the situation that called forth from Burke, in his *Conciliation*,

his exposition of the right and only practicable relationship between a great daughter colony and the mother country. Burke saw more clearly than any of his contemporaries that the policy of the Navigation Acts, that is, of working the Colonies for the commercial benefit of the mother country, had become an utter anachronism. The Colonies, now grown past their minority, must be set free to follow their own destinies, at least in the essential matter of taxation. For the historical student, that is the chief significance of Burke's great American speech. His defence of the conduct of the colonists may not have been justified; their distinction between internal taxation like the Stamp Act, which they should resist, and External or Port taxation, which they were willing to submit to, may have had no force; Burke's criticism of Lord North's plan of Conciliation may have been very partisan. Nevertheless, Burke has the merit of reading the general situation as no one else did and of forecasting the present relationship of Britain to her great self-governing Colonies.

That same half century, in 1773 and 1783 and 1788, saw the British government take great forward steps, for the first time asserting itself in the affairs of the East India Company and reflecting in legislation the growing feeling of the British people that they were responsible for the welfare of the millions in India. Again we seem to see Burke stepping forward to express the modern standpoint. Later students of history do not accept his interpretation of the conduct of Warren Hastings any more than his extenuation of the conduct of the American colonists. We say emphatically,

nevertheless, that Burke's Indian pronouncements anticipate the modern British conscience towards India. That conscience is represented politically, one may say, in the annual parliamentary blue-book on the Moral and Material Progress of India. Once more, as Burke's half century drew to a close, the great European convulsion of the French Revolution broke out, hailed at the outset by all Britain, Burke alone standing aloof, as a glorious dawn for France and Europe. And once more, strange to tell, on this epoch-making page of the world's history, Burke seems summoned to write the true generalisation for future ages. Burke is no authority upon the facts of the French Revolution, any more than he is upon the facts of the quarrel between America and Britain, but upon political revolutions in general, he speaks to statesmen and thinkers as an oracle. In seeking to liberate *the individual* and to promote his welfare, politicians must not wreck or throw out of gear the great political and social organisation that we call *the nation*.

The part that Burke played on this grand stage seems at the first glance to be strangely inconsistent with itself, as scene succeeds scene. The break up of political parties during the first decade of George III.'s reign calls forth from Burke in his *Present Discontents*, the eulogy of loyalty to party; but the overthrow of Lord North's ministry, in 1782, against which Burke had thundered, finds Burke, after the briefest interval, a member of the *Coalition*, non-party, ministry of Fox and North. What of Burke's loyalty to party, one cannot but ask? Later, we know, he severed himself entirely from Fox, his party leader. Again, when

Clive and Warren Hastings in succession were being taken to task for misgovernment in India, we find Burke pleading for condonation of Clive's offences, in 1772, and one of the leaders in the impeachment of Hastings in 1788. One can scarcely believe Burke to have been right on both occasions.

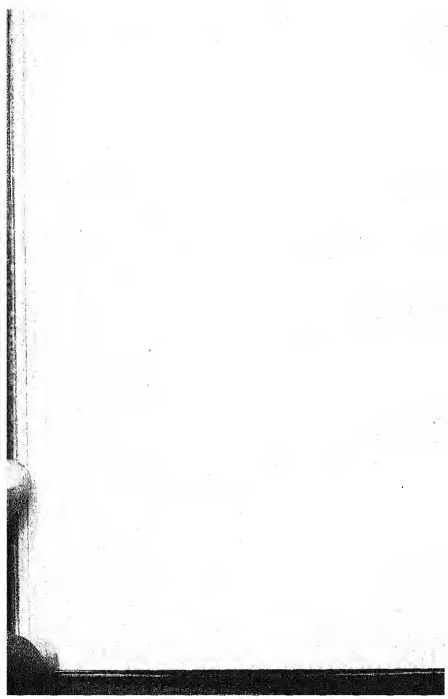
Most notorious instance of all, the same Burke who pleaded the cause of the unrepresented Americans against George III. and a despotic House of Commons is found fifteen years later employing all his powers in favour of Louis XVI. and against the French people, infinitely greater sufferers in respect of their liberties and property than American colonists ever were.

These inconsistencies, however we may explain them, cannot be explained away. Burke, it must be admitted, sometimes spoke as a partisan and sometimes suffered himself to be carried away by the impetuosity of his temperament. Sometimes, as in his French Revolution, he wrote with insufficient knowledge; and sometimes, as in his impeachment of Warren Hastings, he surrendered himself to an untrustworthy, because prejudiced informant. As to some of the inconsistencies, it may be said that a public man in later years should not be tied down to all the utterances of his earlier. As to others, justification may be pleaded in the change of circumstances. That indeed was Burke's declared defence of his most frequently alleged inconsistency, viz. that between his attitude to the Americans and to the French. The vessel of State was in danger of being destroyed by a tyrannical government in the one case, and by reckless reformers in the other, and *consistently* he varied his means to preserve the balance. He sup-

ported the American revolutionists and he opposed the French revolutionists in both cases to preserve "the equipoise" of the State.

Throughout all the seeming inconsistencies, several aspects of Burke's mind stand out clearly. Burke, who proclaimed himself a Whig, was from the very outset thoroughly Conservative at heart. He had a profound reluctance to interfere with what appeared to be the natural growth of communities and institutions. In the American colonies he saw a great and growing prosperity accompanied with practical neglect of the colonists by the Home Government and blindness to their wholesale violation of the Navigation Acts. Assertion even of Acts of Parliament against such prosperity, Burke profoundly disliked. Further, the cause of the weak against oppression and violence always finds in Burke a champion. Justice, equitable justice, as against nominal right or the letter of laws, had Burke always on its side. Finally, no logic or argumentation is to be pleaded against practical reason. "Nobody will be *argued* into slavery." Do not destroy America, he says, in order to keep America to yourselves. Burke, the great political philosopher is also the great apostle of common-sense in politics.

JOHN MORRISON.



BURKE'S SPEECH

ON

CONCILIATION WITH AMERICA,

MARCH 22, 1775.

I HOPE, Sir, that, notwithstanding the austerity of the Chair, your good-nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural, that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the House full of anxiety about the event of my motion, I found, to my infinite surprise, that the grand penal bill, by which we had passed sentence on the trade and sustenance of America, is to be returned to us from the other House. I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favour; by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill, which seemed to have taken its flight for ever, we are at this very instant nearly as free to choose a plan for our American government as we were on the first day of the session. If, Sir, we incline to the side 20

of conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any incongruous mixture of coercion and restraint. We are therefore called upon, as it were by a superior warning voice, again to attend to America; to attend to the whole of it together; and to review the subject with an unusual degree of care and calmness.

10 Surely it is an awful subject; or there is none so on this side of the grave. When I first had the honour of a seat in this House, the affairs of that continent pressed themselves upon us, as the most important and most delicate object of parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in everything which relates to our colonies. I was not less under the necessity of forming some fixed
20 ideas concerning the general policy of the British empire. Something of this sort seemed to be indispensable; in order, amidst so vast a fluctuation of passions and opinions, to concentrate my thoughts; to ballast my conduct; to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe, or manly, to have fresh principles to seek upon every fresh mail which should arrive from America.

30 At that period I had the fortune to find myself in perfect concurrence with a large majority in this House. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation, in my original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious

adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, Parliament having an enlarged view of objects, made, during this interval, more frequent changes in their sentiments and their conduct, than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard anything approaching to censure on the motives of former parliaments to all those alterations, one fact is undoubted,—that under them the state of America has too been kept in continual agitation. Everything administered as remedy to the public complaint, if it did not produce, was at least followed by, an heightening of the distemper; until, by a variety of experiments, that important country has been brought into her present situation;—a situation which I will not miscall, which I dare not name; which I scarcely know how to comprehend in the terms of any description.

In this posture, Sir, things stood at the beginning of the session. About that time, a worthy member of 20 great parliamentary experience, who, in the year 1766, filled the chair of the American committee with much ability, took me aside; and lamenting the present aspect of our politics, told me, things were come to such a pass that our former methods of proceeding in the House would be no longer tolerated. That the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity. That the very vicissitudes and shiftings of ministerial measures, instead of convicting their 30 authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; whilst we accused every measure of vigour as cruel, and every

proposal of lenity as weak and irresolute. The public, he said, would not have patience to see us play the game out with our adversaries: we must produce our hand. It would be expected, that those who for many years had been active in such affairs should show, that they had formed some clear and decided idea of the principles of colony government; and were capable of drawing out something like a platform of the ground which might be laid for future and permanent tranquillity.

- 10 I felt the truth of what my hon. friend represented; but I felt my situation too. His application might have been made with far greater propriety to many other gentlemen. No man was indeed ever better disposed, or worse qualified, for such an undertaking, than myself. Though I gave so far in to his opinion, that I immediately threw my thoughts into a sort of parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to
20 hazard plans of government except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception; and for my part, I am not ambitious of ridicule; not absolutely a candidate for disgrace.

- Besides, Sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government; nor of any politics in which the plan is to be wholly separated from the execution. But when I saw
30 that anger and violence prevailed every day more and more; and that things were hastening towards an incurable alienation of our colonies; I confess my caution gave way. I felt this as one of those few moments in which decorum yields to a higher duty. Public calamity is a mighty leveller; and there are occasions when any,

even the slightest, chance of doing good must be laid hold on, even by the most inconsiderable person.

To restore order and repose to an empire so great and so distracted as ours, is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived, at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, 10 even from the idea of my own insignificance. For, judging of what you are by what you ought to be, I persuaded myself that you would not reject a reasonable proposition because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure, that, if my proposition were futile or dangerous, if it were weakly conceived, or improperly timed, there was nothing exterior to it, of power to awe, dazzle, or delude you. You will see it just as it is: and 20 you will treat it just as it deserves.

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace; sought in its natural course, and in its ordinary haunts.— 30 It is peace sought in the spirit of peace; and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring the former unsuspecting confidence of the colonies in the mother country, to give permanent satisfaction to your people; and (far from a

scheme of ruling by discord) to reconcile them to each other in the same act, and by the bond of the very same interest which reconciles them to British government.

My idea is nothing more. Refined policy ever has been the parent of confusion; and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view, as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is
10 an healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people, when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendour of the project, which has been lately laid upon your table by the noble lord in the blue riband. It does not propose to fill your lobby with squabbling colony agents, who will require the inter-
position of your mace, at every instant, to keep the
20 peace amongst them. It does not institute a magnificent auction of finance, where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments beyond all the powers of algebra to equalize and settle.

The plan which I shall presume to suggest, derives, however, one great advantage from the proposition and registry of that noble lord's project. The idea of conciliation is admissible. First, the House, in accepting
30 the resolution moved by the noble lord, has admitted, notwithstanding the menacing front of our address, notwithstanding our heavy bill of pains and penalties—that we do not think ourselves precluded from all ideas of free grace and bounty.

The House has gone further; it has declared concilia-

tion admissible, *previous* to any submission on the part of America. It has even shot a good deal beyond that mark, and has admitted, that the complaints of our former mode of exerting the right of taxation were not wholly unfounded. That right thus exerted is allowed to have had something reprehensible in it; something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration; and, in order to get rid of what seemed so very exceptionable, have instituted a mode ¹⁰ that is altogether new; one that is, indeed, wholly alien from all the ancient methods and forms of parliament.

The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think, indeed, are very indifferently suited to the end; and this I shall endeavour to show you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and, where there has been a material dispute, reconciliation ²⁰ does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honour and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superior; ³⁰ and he loses for ever that time and those chances, which, as they happen to all men, are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide, are these two: First, whether you ought to

concede; and secondly, what your concession ought to be. On the first of these questions we have gained (as I have just taken the liberty of observing to you) some ground. But I am sensible that a good deal more is still to be done. Indeed, Sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have
10 before us. Because after all our struggle, whether we will or not, we must govern America according to that nature, and to these circumstances; and not according to our own imaginations; nor according to abstract ideas of right; by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavour, with your leave, to lay before you some of the most material of those circumstances in as full and as clear a manner as I am
20 able to state them.

The first thing that we have to consider with regard to the nature of the object is—the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and colour; besides at least 500,000 others, who form no inconsiderable part of the strength and opulence of the whole. This, Sir, is, I believe, about the true number. There
30 is no occasion to exaggerate, where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low, is a matter of little moment. Such is the strength with which population shoots in that part of the world, that state the numbers as high as we will, whilst the dispute

continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood, than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation; because, Sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will show you, that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependent, who may be neglected with little damage, and provoked with little danger. It will prove that some degree of care and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce indeed has been trod some days ago, and with great ability, by a distinguished person, at your bar. This gentleman, after thirty-five years—it is so long since he first appeared at the same place to plead for the commerce of

Great Britain—has come again before you to plead the same cause, without any other effect of time than, that to the fire of imagination and extent of erudition, which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

Sir, I should be inexcusable in coming after such a
10 person with any detail, if a great part of the members who now fill the House had not the misfortune to be absent when he appeared at your bar. Besides, Sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view, from whence if you will look at this subject, it is impossible that it should not make an impression upon you.

I have in my hand two accounts ; one a comparative state of the export trade of England to its colonies, as
20 it stood in the year 1704, and as it stood in the year 1772. The other a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world (the colonies included) in the year 1704. They are from good vouchers ; the latter period from the accounts on your table, the earlier from an original manuscript of Davenant, who first established the inspector-general's office, which has been ever since his time so abundant a source of parliamentary
30 information.

The export trade to the colonies consists of three great branches. The African, which, terminating almost wholly in the colonies, must be put to the account of their commerce ; the West Indian ; and the North American. All these are so interwoven, that the

attempt to separate them would tear to pieces the contexture of the whole; and if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade.

The trade to the colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus:

Exports to North America, and the West		
Indies	£483,265	10
To Africa	86,665	
	<hr/>	
	£569,930	
	<hr/>	

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows:

To North America, and the West Indies	£4,791,734	
To Africa	866,398	
To which if you add the export trade from Scotland, which had in 1704 no existence	364,000	20
	<hr/>	
	£6,022,132	
	<hr/>	

From five hundred and odd thousand, it has grown to six millions. It has increased no less than twelve-fold. This is the state of the colony trade, as compared with itself at these two periods, within this century;—and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood in the other point of view, that is, as compared to the whole trade of England in 1704.

The whole export trade of England, including	
that to the colonies, in 1704 . . .	£6,500,000
Export to the colonies alone, in 1772 .	6,024,000
<hr/>	
Difference	£485,000
<hr/>	

The trade with America alone is now within less than £500,000 of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But, it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented, and augmented more or less in almost every part to which it ever extended; but with this material difference, that of the six millions which in the beginning of the century constituted the whole mass of our export commerce, the colony trade was but one
¹⁰ twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies at these two periods: and all reasoning concerning our mode of treating them must have this proportion as its basis, or it is a reasoning weak, rotten, and sophistical.

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds, indeed, and darkness rest
²⁰ upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within sixty-eight

years. There are those alive whose memory might touch the two extremities. For instance, My Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough *acta parentum jam legere, et quæ sit poterit cognoscere virtus*—Suppose, Sir, that the angel of this auspicious youth, foreseeing the many virtues, which made him one of the most amiable, as he is one of the most fortunate, men of his age, had opened to him in vision, that when, in 10 the fourth generation, the third prince of the House of Brunswick had sat twelve years on the throne of that nation, which (by the happy issue of moderate and healing councils) was to be made Great Britain, he should see his son, Lord Chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to a higher rank of peerage, whilst he enriched the family with a new one—If amidst these bright and happy scenes of domestic honour and prosperity, that angel should have drawn up the curtain, 20 and unfolded the rising glories of his country, and whilst he was gazing with admiration on the then commercial grandeur of England, the genius should point out to him a little speck, scarce visible in the mass of the national interest, a small seminal principle rather than a formed body, and should tell him—"Young man, there is America—which at this day serves for little more than to amuse you with stories of savage men, and uncouth manners; yet shall, before you taste of death, show itself equal to the whole of that commerce which now 30 attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilizing conquests and civilizing settlements in a series of seventeen hundred years, you shall see as much added

to her by America in the course of a single life!" If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he lives to see nothing that shall vary the prospect, and cloud the setting of his day!

Excuse me, Sir, if turning from such thoughts I resume this comparative view once more. You have
10 seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704, that province called for £11,459 in value of your commodities, native and foreign. This was the whole. What did it demand in 1772? Why nearly fifty times as much; for in that year the export to Pennsylvania was £507,909, nearly equal to the export to all the colonies together in the first period.

I choose, Sir, to enter into these minute and particular
20 details; because generalities, which in all other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our colonies, fiction lags after truth; invention is unfruitful, and imagination cold and barren.

So far, Sir, as to the importance of the object in view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could show how many enjoyments they procure, which deceive the burthen of life; how many materials which invigorate
30 the springs of national industry, and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed—but I must prescribe bounds to myself in a matter so vast and various.

I pass therefore to the colonies in another point of view, their agriculture. This they have prosecuted with

such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest, I am persuaded they will export much more. At the beginning of the century some of these colonies imported corn from the mother country. For some time past, the Old World has been fed from the New. The scarcity which you have felt would have been a desolating famine, if this child of your old age, with a true filial piety, with a Roman 10 charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent.

As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought these acquisitions of value, for they seemed even to excite your envy; and yet the spirit by which that enterprising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, Sir, what in the world is equal to it? Pass 20 by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits, whilst we are looking for them beneath the Arctic Circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen Serpent of the south. Falkland Island, which seemed too remote and 30 romantic an object for the grasp of the national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them, than the accumulated winter of both the poles. We know that whilst some of them

draw the line and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hard industry to the extent to which it has been pushed by this recent people; a
10 people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things; when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection; when I reflect upon these effects, when I see how profitable they have been to us, I feel
20 all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me. My rigour relents. I pardon something to the spirit of liberty.

I am sensible, Sir, that all which I have asserted in my detail, is admitted in the gross; but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect
30 will be led to their choice of means by their complexions and their habits. Those who understand the military art, will of course have some predilection for it. Those who wield the thunder of the state, may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is

much more in favour of prudent management, than of force; considering force not as an odious, but a feeble instrument, for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connexion with us.

First, Sir, permit me to observe, that the use of force alone is but *temporary*. It may subdue for a moment; but it does not remove the necessity of subduing again: and *a nation is not governed, which is perpetually to be conquered.*

10

My next objection is its *uncertainty*. Terror is not always the effect of force; and an armament is not a victory. If you do not succeed, you are without resource; for, conciliation failing, force remains; but force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms by an impoverished and defeated violence.

A farther objection to force is, that you *impair the object* by your very endeavours to preserve it. The thing ²⁰ you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me, than *whole America*. I do not choose to consume its strength along with our own; because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict; and still less in the midst of it. I may escape; but I can make no insurance against such an event. Let me add, that I do not choose wholly to break the American ³⁰ spirit; because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favour of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods

altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it; and our sin far more salutary than our penitence.

These, Sir, are my reasons for not entertaining that high opinion of untried force, by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is
10 still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce, I mean its *temper and character*.

In this character of the Americans, a love of freedom is the predominating feature which marks and distinguishes the whole: and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable, whenever they see the least attempt to
20 wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth; and this from a great variety of powerful causes; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, Sir, is a nation, which still I
30 hope respects, and formerly adored, her freedom. The colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas, and on English

principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favourite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates; or on the balance among the several 10 orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens, and most eloquent tongues, have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English constitution, to insist on this privilege of granting money as a dry point of fact, and to prove, that the right had been 20 acknowledged in ancient parchments, and blind usages, to reside in a certain body called a House of Commons. They went much farther; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons, as an immediate representative of the people; whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect themselves, mediately or immediately, possess the power of 30 granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered,

in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy indeed to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through
10 wisdom or mistake, confirmed them in the imagination, that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. Their governments are popular in a high degree; some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from what-
20 ever tends to deprive them of their chief importance.

If anything were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants; and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favourable to liberty, but built upon
30 it. I do not think, Sir, that the reason of this averseness in the dissenting churches, from all that looks like absolute government, is so much to be sought in their religious tenets, as in their history. Every one knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails; that it has

generally gone hand in hand with them, and received great favour and every kind of support from authority. The Church of England too was formed from her cradle under the nursing care of regular government. But the dissenting intorests have sprung up in direct opposition to all the ordinary powers of the world; and could justify that opposition only on a strong claim to natural liberty. Their very existonce depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of 10 dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance; it is the dissidence of dissent, and the Protestantism of the Protestant religion. This religion, under a variety of denominations agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces; where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of privato sect, not composing most probably the tenth of the people. The colonists left 20 England when this spirit was high, and in the emigrants was the highest of all; and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greatest part, been composed of dissenters from the establishments of their several countries, who have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner, that some gentlemen object to the latitude of this description; because 30 in the southern colonies the Church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makos the spirit

of liberty still more high and haughty than in those to the northward. It is, that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free, are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, that freedom, as in countries where it is a common blessing and as broad and general as the air, may be united with
10 much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and those people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty, than those to the northward. Such were all the ancient commonwealths; such were our Gothic ances-
20 tors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people, the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, Sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is
30 numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to the Congress were lawyers. But all who read, and most do read, endeavour to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular

devotion, were so many books as those on the law exported to the Plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states, that all the people in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say, that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my honourable and learned friend on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honours and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores*. The study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them.

No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in, that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no
10 farther." Who are you, that should fret and rage, and bite the chains of nature?—Nothing worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistān, as he governs Thrace; nor has he the same dominion in Crimea and Algiers, which he has at Brusa and Smyrna. Despotism itself is obliged to truck and
20 huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigour of his authority in his centre is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed as you are in yours. She complies too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, Sir, from these six capital sources; of descent; of form of government; of religion in the northern
30 provinces; of manners in the southern; of education; of the remoteness of situation from the first mover of government; from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit, that unhappily meet-

ing with an exercise of power in England, which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us.

I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired, more reconcilable with an arbitrary and boundless authority. Perhaps we might 10 wish the colonists to be persuaded, that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority) than with any part of it in their own hands. The question is, not whether their spirit deserves praise or blame, but—what, in the name of God, shall we do with it? You have before you the object, such as it is, with all its glories, with all its imperfections on its head. You see the magnitude; the importance; the temper; the habits; the disorders. By all these considerations we 20 are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct, which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For, what astonishing and incredible things have we not seen already! What monsters have not been generated from this unnatural contention! Whilst every principle of authority and resistance has been 30 pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the

colony constitution derived all its activity, and its first vital movement, from the pleasure of the crown. We thought, Sir, that the utmost which the discontented colonists could do, was to disturb authority; we never dreamt they could of themselves supply it; knowing in general what an operose business it is to establish a government absolutely new. But having, for our purposes in this contention, resolved, that none but an obedient assembly should sit; the humours of the
10 people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election. Evident necessity, and tacit consent, have done the business in an instant. So well they have done it, that Lord Dunmore (the account is among the fragments on your table) tells you, that the
20 new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called; not the name of Governor, as formerly, or Committee, as at present. This new government has originated directly from the people; and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil
30 arising from hence is this; that the colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts. We were confident that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigour, for near a twelvemonth, 10 without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be; or that we have not at all adverted to some other far more important and far more powerful principles, which entirely overrule those we had 20 considered as omnipotent. I am much against any further experiments, which tend to put to the proof any more of these allowed opinions, which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have no right to their liberties, we are every day endeavouring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to 30 be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, Sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state, that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit, which prevails
10 in your colonies, and disturbs your government. These are—To change that spirit, as inconvenient, by removing the causes. To prosecute it as criminal. Or, to comply with it as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three. Another has indeed been started, that of giving up the colonies; but it met so slight a reception, that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all
20 they would have, are resolved to take nothing.

The first of these plans, to change the spirit as inconvenient, by removing the causes, I think is the most like a systematic proceeding. It is radical in its principle; but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population in the colonies is evidently one cause of their resistance, it was last session mentioned in both Houses, by men of weight, and received
30 not without applause, that in order to check this evil, it would be proper for the crown to make no further grants of land. But to this scheme there are two objections. The first, that there is already so much unsettled land in private hands, as to afford room for an immense

future population, although the crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You 10 cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Appalachian mountains. From thence they behold before them an immense plain, one vast, rich, level meadow; a square of five hundred miles. Over this they would wander without a possibility of restraint; they would change 20 their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of English Tartars; and pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and, in no long time, must be, the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and 30 multiply." Such would be the happy result of an endeavour to keep as a lair of wild beasts, that earth, which God, by an express charter, has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited

our people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts; that the ruling power should never be wholly out of sight. We have settled all we could; and we have carefully attended every settlement with government.

- 10 Adhering, Sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging-in population to be neither prudent nor practicable.

To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind; a disposition even to continue the restraint after the offence; looking on ourselves as rivals to our colonies,
20 and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence as very formidable. In this, however, I may be mistaken. But when I consider, that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous, to make them un-
serviceable, in order to keep them obedient. It is, in
30 truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you have completed your system of impoverishment, that nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are

critical moments in the fortune of all states, when they who are too weak to contribute to your prosperity, may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

The temper and character which prevail in our colonies are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition; your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery. 10

I think it is nearly as little in our power to change their republican religion, as their free descent; or to substitute the Roman Catholic, as a penalty; or the Church of England, as an improvement. The mode of inquisition and dragooning is going out of fashion in the Old World; and I should not confide much to their efficacy in the New. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science; to banish their lawyers from their courts of laws; or to quench the lights of their assemblies, by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies, in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us; not quite so effectual; and perhaps, in the end, full as difficult to be kept in obedience. 30

With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it, by declaring a general enfranchisement of

their slaves. This project has had its advocates and panegyrists; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free, as it is to compel freemen to be slaves; and in this auspicious scheme, we should have both these pleasing tasks on our hands at once. But when we
10 talk of enfranchisement, do we not perceive that the American master may enfranchise too; and arm servile hands in defence of freedom? A measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters? from that nation, one of whose causes of quarrel with those masters is
20 their refusal to deal any more in that inhuman traffic? An offer of freedom from England would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three Angola negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty, and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and
30 as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue. "Ye gods, annihilate but space and time, and make two lovers happy!"—was a pious and passionate prayer; but just as reasonable as many of the serious wishes of very grave and solemn politicians.

If then, Sir, it seems almost desperate to think of any alterative course, for changing the moral causes (and not quite easy to remove the natural) which produce prejudices irreconcilable to the late exercise of our authority; but that the spirit infallibly will continue; and, continuing, will produce such effects as now embarrass us; the second mode under consideration is, to prosecute that spirit in its overt acts, as *criminal*.

At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of ¹⁰ jurisprudence. It should seem to my way of conceiving such matters, that there is a very wide difference in reason and policy, between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic, to apply the ordinary ideas of criminal justice to this great public contest. I do not know the ²⁰ method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of millions of my fellow-creatures, as Sir Edward Coke insulted one excellent individual (Sir Walter Raleigh) at the bar. I hope I am not ripe to pass sentence on the gravest public bodies, intrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think, that for wise men, this is not judicious; for sober men, not decent; for minds ³⁰ tinctured with humanity, not mild and merciful.

Perhaps, Sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this; that an empire is the aggregate of many states under one common head; whether this

- head be a monarch, or a presiding republic. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges and the supreme common authority the line may be extremely nice. Of course disputes, often, too, very bitter disputes, and much ill blood, will arise. But though every privilege is an exemption (in the case)
- 10 from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superior power. For to talk of the privileges of a state, or of a person, who has no superior, is hardly any better than speaking nonsense. Now, in such unfortunate quarrels among the component parts of a great political union of communities, I can scarcely conceive anything more completely imprudent, than for the head of the empire to insist, that, if any
- 20 privilege is pleaded against his will, or his acts, his whole authority is denied; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, Sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government, against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.
- 30 We are indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, Sir. But I confess, that the character of judge in my own cause is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find

myself in something more like a judicial character. I must have those hesitations as long as I am compelled to recollect, that, in my little reading upon such contests as these, the sense of mankind has, at least as often, decided against the superior as the subordinate power. Sir, let me add too, that the opinion of my having some abstract right in my favour, would not put me much at my ease in passing sentence; unless I could be sure, that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs, 10 and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced, that I see the same party, at once a civil litigant against me in point of right, and a culprit before me; while I sit as a criminal judge on acts of his, whose moral quality is to be decided upon the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

There is, Sir, also a circumstance which convinces me, 20 that this mode of criminal proceeding is not (at least in the present stage of our contest) altogether expedient; which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed to have traitors brought hither, under an act of Henry the Eighth, for trial. For though rebellion is declared, it is not proceeded against as such; nor have any steps been taken towards the apprehension 30 or conviction of any individual offender, either on our late or our former address; but modes of public coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious

subjects. All this seems rather inconsistent; but it shows how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object, by the
10 sending of a force, which, by land and sea, is no contemptible strength? Has the disorder abated? Nothing less.—When I see things in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion, that the plan itself is not correctly right.

If then the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or if applicable, are in the highest degree
20 inexpedient; what way yet remains? No way is open, but the third and last—to comply with the American spirit as necessary; or, if you please, to submit to it as a necessary evil.

If we adopt this mode; if we mean to conciliate and concede; let us see of what nature the concession ought to be: to ascertain the nature of our concession, we must look at their complaint. The colonies complain, that they have not the characteristic mark and seal of British freedom. They complain, that they are taxed in a
30 parliament in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask; not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation,

but it is no concession: whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive, that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle—but it is true; I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you, Sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited 10 to the policy of the question. I do not examine, whether the giving away a man's money be a power excepted and reserved out of the general trust of government; and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature. Or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other; where reason is perplexed; and an 20 appeal to authorities only thickens the confusion. For high and reverend authorities lift up their heads on both sides; and there is no sure footing in the middle. This point is the *great Serbonian bog, betwixt Damietta and Mount Casius old, where armies whole have sunk*. I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is not whether you have a right to render your people miserable; but whether it is not your interest to make them happy. It is not what a lawyer tells me I *may* 30 do; but what humanity, reason, and justice tell me I ought to do. Is a politic act the worse for being a generous one? Is no concession proper, but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the

exercise of an odious claim, because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles, and all those arms? Of what avail are they, when the reason of the thing tells me, that the assertion of my title is the loss of my suit; and that I could do nothing but wound myself by the use of my own weapons?

Such is steadfastly my opinion of the absolute necessity of keeping up the concord of this empire by a unity of
10 spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all ideas of liberty for them and their posterity to all generations; yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two millions of men, impatient of servitude, on the principles of freedom. I am not determining a point of law; I am
20 restoring tranquillity; and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we yield as matter of right, or grant as matter of favour, is to admit the people of our colonies into an interest in the constitution; and, by recording that admission in the journals of parliament, to give them as strong an assurance as the nature of the thing will admit, that we
30 mean for ever to adhere to that solemn declaration of systematic indulgence.

Some years ago, the repeal of a Revenue Act, upon its understood principle, might have served to show, that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient

to remove all suspicion, and to give perfect content. But unfortunate events, since that time, may make something further necessary; and not more necessary for the satisfaction of the colonies, than for the dignity and consistency of our own future proceedings.

I have taken a very incorrect measure of the disposition of the House, if this proposal in itself would be received with dislike. I think, Sir, we have few American financiers. But our misfortune is, we are too acute; we are too exquisite in our conjectures of the 10 future, for men oppressed with such great and present evils. The more moderate among the opposers of parliamentary concession freely confess, that they hope no good from taxation; but they apprehend the colonists have further views; and if this point were conceded, they would instantly attack the trade laws. These gentlemen are convinced, that this was the intention from the beginning; and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language even 20 of a gentleman of real moderation, and of a natural temper well adjusted to fair and equal government. I am, however, Sir, not a little surprised at this kind of discourse, whenever I hear it; and I am the more surprised, on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths, and on the same day.

For instance, when we allege, that it is against reason to tax a people under so many restraints in trade as the 30 Americans, the noble lord in the blue riband shall tell you, that the restraints on trade are futile and useless; of no advantage to us, and of no burthen to those on whom they are imposed; that the trade to America is

not secured by the Acts of Navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes; when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies; when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes to a
10 clear admission of the futility of the scheme; then, Sir, the sleeping trade laws revive from their trance; and this useless taxation is to be kept sacred, not for its own sake, but as a counter-guard and security of the laws of trade.

Then, Sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value;
20 and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas, concerning the inutility of the trade laws. For, without idolizing them, I am sure they are still, in many ways, of great use to us: and in former times they have been of the greatest. They do confine, and they do greatly narrow, the market for the Americans. But my perfect conviction of this does not help me in the least to discern how the revenue laws form any security
30 whatsoever to the commercial regulations; or that these commercial regulations are the true ground of the quarrel; or that the giving way, in any one instance of authority, is to lose all that may remain unconceded.

One fact is clear and indisputable. The public and avowed origin of this quarrel was on taxation. This

quarrel has indeed brought on new disputes on new questions; but certainly the least bitter, and the fewest of all, on the trade laws. To judge which of the two be the real, radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation? There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how 10 the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, Sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures? Surely it is preposterous at the very best. It is not 20 justifying your anger by their misconduct; but it is converting your ill-will into their delinquency.

But the colonies will go further.—Alas! alas! when will this speculating against fact and reason end?—What will quiet these panic fears which we entertain of the hostile effect of a conciliatory conduct? Is it true, that no case can exist, in which it is proper for the sovereign to accede to the desires of his discontented subjects? Is there anything peculiar in this case, to make a rule for itself? Is all authority of course lost, 30 when it is not pushed to the extreme? Is it a certain maxim, that the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel?

All these objections being in fact no more than

suspicious, conjectures, divinations, formed in defiance of fact and experience; they did not, Sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavoured to put myself in that frame of mind which was the most natural, and the most reasonable; and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my
10 own abilities; a total renunciation of every speculation of my own; and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a constitution, and so flourishing an empire, and what is a thousand times more valuable, the treasury of the maxims and principles which formed the one, and obtained the other.

During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to
20 say, that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them; and the issue of their affairs showed, that they had not chosen the most perfect standard. But, Sir, I am sure that I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English Constitution. Consulting at that oracle (it was with all due humility and piety) I found four capital examples in a similar case before me; those of Ireland, Wales, Chester, and Durham.

30 Ireland, before the English conquest, though never governed by a despotic power, had no parliament. How far the English parliament itself was at that time modelled according to the present form, is disputed among antiquarians. But we have all the reason in the world to be assured that a form of parliament, such as

England then enjoyed, she instantly communicated to Ireland; and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage, and the feudal knighthood, the roots of our primitive constitution, were early transplanted into that soil; and grew and flourished there. Magna Charta, if it did not give us originally the House of Commons, gave us at least a House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the consequence. English authority and English liberties had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davis shows beyond a doubt, that the refusal of a general communication of these rights was the true cause why Ireland was five hundred years in subduing; and after the vain projects of a military government, attempted in the reign of Queen Elizabeth, it was soon discovered, that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English Constitution, that conquered Ireland. From that time, Ireland has ever had a general parliament, as she had before a partial parliament. You changed the people; you altered the religion; but you never touched the form or the vital substance of free government in that kingdom. You deposed kings; you restored them; you altered the succession to theirs, as well as to your own crown; but you never altered their constitution; the principle of which was respected by usurpation; restored with the restoration of monarchy, and established, I trust,

for ever, by the glorious Revolution. This has made Ireland the great and flourishing kingdom that it is; and from a disgrace and a burthen intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles, and on the hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect
10 in argument, they make an exception to prove the rule. None of your own liberties could stand a moment if the casual deviations from them, at such times, were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are
20 come; and learn to respect that only source of public wealth in the British empire.

My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed; and no good one was substituted in its place. The care of that tract was put into the hands of lords marchers—a form of government
30 of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those times, to that of commander-in-chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the genius of the

government; the people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the state, there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where one of the parties was an Englishman, they ordained, that his trial should be always by English. They made acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales.

Here we rub our hands—A fine body of precedents for the authority of parliament and the use of it!—I admit it fully; and pray add likewise to these precedents, that all the while, Wales rid this kingdom like an *incubus*; that it was an unprofitable and oppressive burthen; and that an Englishman travelling in that country could not go six yards from the high road without being murdered.

The march of the human mind is slow. Sir, it was

not, until after two hundred years, discovered, that, by an eternal law, Providence had decreed vexation to violence, and poverty to rapine. Your ancestors did however at length open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured; and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the twenty-seventh year of Henry VIII.

10 the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties—the grant of their own property—seemed a thing so incongruous, that, eight years after, that is, in

20 the thirty-fifth of that reign, a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales, by act of parliament. From that moment, as by a charm, the tumults subsided, obedience was restored, peace, order, and civilization followed in the train of liberty.—When the day-star of the English Constitution had arisen in their hearts, all was harmony within and without—

30 —*Sinul alba nautis*
 Stella refulsit,
 Defluit saxis agitata humor;
 Concidunt venti, fugiuntque nubes,
 Et minac (quid sic volvere) ponto
 Unda recumbit.

The very same year the County Palatine of Chester received the same relief from its oppressions, and the

same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others; and from thence Richard II. drew the standing army of archers, with which for a time he oppressed England. The people of Chester applied to parliament in a petition penned as I shall read to you:

"To the king our sovereign lord, in most humble wise shown unto your excellent Majesty, the inhabitants of 10 your Grace's County Palatine of Chester; That where the said County Palatine of Chester is and hath been always hitherto exempt, excluded and separated out and from your high court of parliament, to have any knights and burgesses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disorders, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the commonwealth of their said country: (2) And forasmuch as the said in- 20 habitants have always hitherto been bound by the acts and statutes made and ordained by your said Highness, and your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and boroughs have been, that have had their knights and burgesses within your said court of parliament, and yet have had neither knight ne burgess there for the said County Palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory 30 unto the most ancient jurisdictions, liberties, and privileges of your said County Palatine, as prejudicial unto the commonwealth, quietness, rest, and peace of your Grace's most bounden subjects inhabiting within the same."

What did parliament with this audacious address? —Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common hangman? They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their Act of redress; and
10 consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated that freedom, and not servitude, is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles II. with regard to the County Palatine of Durham, which is my fourth example. This county had long
20 lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester Act; and, without affecting the abstract extent of the authority of parliament, it recognises the equity of not suffering any considerable district, in which the British subjects may act as a body, to be taxed without their own voice in the grant.

Now if the doctrines of policy contained in these preambles, and the force of these examples in the acts
30 of parliament, avail anything, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the Act of Henry VIII. says, the Welsh speak a language no way resembling that of his Majesty's English subjects. Are the Americans not as

numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000; not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America; was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic, than pervade Wales, which lies in your neighbourhood; or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then can I think it sufficient for those which are infinitely greater, and infinitely more remote?

You will now, Sir, perhaps imagine, that I am on the point of proposing to you a scheme for a representation of the colonies in parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura*—I cannot remove the eternal barriers of the creation. The thing, in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation. But I do not see my way to it; and those who have been more confident have not been more successful. However, the arm of public benevolence is not shortened; and there are often several means to the same end. What

nature has disjoined in one way, wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

Fortunately I am not obliged for the ways and means of this substitute to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths; not to
10 the Republic of Plato; not to the Utopia of More; not to the Oceana of Harrington. It is before me—it is at my feet, *and the rude swain treads daily on it with his clouted shoon*. I only wish you to recognise, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of parliament; and, as to the practice, to return to that mode which an uniform experience has marked out to you, as best; and in which you walked with security, advantage, and honour,
20 until the year 1763.

My resolutions therefore mean to establish the equity and justice of a taxation of America, by *grant*, and not by *imposition*. To mark the *legal competency* of the colony Assemblies for the support of their government in peace, and for public aids in time of war. To acknowledge that this legal competency has had a *dutiful and beneficial exercise*; and that experience has shown the *benefit of their grants*, and the *futility of parliamentary taxation as a method of supply*.

30 These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept or refuse the last. I think these six massive pillars will be of strength

sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence, that, if you admitted these, you would command an immediate peace; and, with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all more matters of fact; and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

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Sir, I shall open the whole plan to you, together with such observations on the motions as may tend to illustrate them where they may want explanation. The first is a resolution—"That the Colonies and Plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament."—This is a plain matter 20 of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the constitution; it is taken nearly *verbatim* from acts of parliament.

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nature has disjoined in one way, wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

Fortunately I am not obliged for the ways and means of this substitute to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths; not to the Republic of Plato; not to the Utopia of More; not to the Oceana of Harrington. It is before me—it is at my feet, *and the rude swain treads daily on it with his clouted shoon*. I only wish you to recognise, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of parliament; and, as to the practice, to return to that mode which an uniform experience has marked out to you, as best; and in which you walked with security, advantage, and honour, 10 until the year 1763.

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Is this description too hot, or too cold, too strong, or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient acts of parliament.

*Non meus hic sermo, sed quæ præcepit Ofellus,
Rusticus, abnormis sapiens.*

It is the genuine produce of the ancient, rustic, manly,
10 homebred sense of this country.—I did not dare to rub off a particle of the venerable rust that rather adorns and preserves, than destroys, the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering: the odious vice of restless and unstable minds. I put my foot in the tracks of our forefathers,
20 where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of sound words; to let others abound in their own sense; and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure is safe.

There are indeed words expressive of grievance in this
30 second resolution, which those who are resolved always to be in the right will deny to contain matter of fact, as applied to the present case; although parliament thought them true, with regard to the counties of Chester and Durham. They will deny that the Americans

were ever "touched and grieved" with the taxes. If they consider nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial. But men may be sorely touched and deeply grieved in their privileges, as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the two-pence lost that constitutes the capital outrage. This is not confined to privileges. Even ancient indulgences with-
drawn, without offence on the part of those who enjoyed such favours, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure, merely as taxes? If so, why were they almost all either wholly repealed or exceedingly reduced? Were they not touched and grieved even by the regulating duties of the sixth of George II.? Else why were the duties first reduced to one third in 1764, and afterwards to a third of that third in the year 1766? Were they not touched and grieved by the Stamp Act? I
shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise repealed, and which Lord Hillsborough tells you (for the ministry) were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the colonies of a resolution to lay no more taxes on them, an admission that taxes would touch and grieve them? Is not the Resolution of the noble lord in the blue riband, now standing on your journals, the strongest of all proofs that parliamentary
subsidies really touched and grieved them? Else why all those changes, modifications, repeals, assurances, and resolutions?

The next proposition is—"That, from the distance of the said colonies, and from other circumstances, no

method hath hitherto been devised for procuring a representation in parliament for the said colonies." This is an assertion of a fact. I go no further on the paper; though, in my private judgment, an useful representation is impossible; I am sure it is not desired by them; nor ought it perhaps by us; but I abstain from opinions.

The fourth resolution is—"That each of the said colonies hath within itself a body, chosen in part, or in the whole, by the freemen, freeholders, or other free
10 inhabitants thereof, commonly called the General Assembly, or General Court; with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services."

This competence in the colony Assemblies is certain. It is proved by the whole tenor of their Acts of supply in all the Assemblies, in which the constant style of granting is, "an aid to His Majesty;" and Acts granting to the crown have regularly for near a century
20 passed the public offices without dispute. Those who have been pleased paradoxically to deny this right, holding that none but the British parliament can grant to the crown, are wished to look to what is done, not only in the colonies, but in Ireland, in one uniform unbroken tenor every session. Sir, I am surprised that this doctrine should come from some of the law servants of the crown. I say, that if the crown could be responsible, His Majesty—but certainly the ministers, and even these law officers themselves, through whose hands the
30 acts pass biennially in Ireland, or annually in the colonies, are in an habitual course of committing impeachable offences. What habitual offenders have been all presidents of the council, all secretaries of state, all first lords of trade, all attornies and all solicitors general! However, they are safe; as no one

impeaches them; and there is no ground of charge against them, except in their own unfounded theories.

The fifth resolution is also a resolution of fact—"That the said General Assemblies, General Courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for His Majesty's service, according to their abilities, when required thereto by letter from one of His Majesty's principal secretaries of state; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament." To say nothing of their great expenses in the Indian wars; and not to take their exertion in foreign ones, so high as the supplies in the year 1695; not to go back to their public contributions in the year 1710; I shall begin to travel only where the journals give me light; resolving to deal in nothing but fact, authenticated by parliamentary record; and to build myself wholly on that solid basis.

On the 4th of April, 1748, a committee of this House came to the following resolution:

"Resolved,

"That it is the opinion of this committee, *That it is just and reasonable* that the several provinces and colonies of Massachusetts Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expenses they have been at in taking and securing to the crown of Great Britain the island of Cape Breton and its dependencies."

These expenses were immense for such colonies. They were above £200,000 sterling; money first raised and advanced on their public credit.

On the 28th of January, 1756, a message from the king came to us, to this effect—"His Majesty, being sensible of the zeal and vigour with which his faithful subjects of certain colonies in North America have

exerted themselves in defence of His Majesty's just rights and possessions, recommends it to this House to take the same into their consideration, and to enable His Majesty to give them such assistance as may be a *proper reward and encouragement*."

On the 3rd of February, 1756, the House came to a suitable resolution, expressed in words nearly the same as those of the message: but with the further addition, that the money then voted was as an *encouragement* to
 10 the colonies to exert themselves with vigour. It will not be necessary to go through all the testimonies which your own records have given to the truth of my resolutions, I will only refer you to the places in the journals:

Vol. xxvii.—16th and 19th May, 1757.

Vol. xxviii.—June 1st, 1758—April 26th and 30th, 1759
 —March 26th and 31st, and April 28th,
 1760—January 9th and 20th, 1761.

Vol. xxix.—January 22nd and 26th, 1762—March 14th
 20 and 17th, 1763.

Sir, here is the repeated acknowledgment of parliament, that the colonies not only gave, but gave to satiety. This nation has formally acknowledged two things; first, that the colonies had gone beyond their abilities, parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudibly in their grants of monoy, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is
 30 not bestowed for acts that are unlawful; and encouragement is not held out to things that deserve reprehension. My resolution therefore does nothing more than collect into one proposition, what is scattered through your journals. I give you nothing but your own; and you cannot refuse in the gross, what you have so often

acknowledged in detail. The admission of this, which will be so honourable to them and to you, will, indeed, be mortal to all the miserable stories, by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinned in their ears, that reason and justice demanded, that the Americans, who paid no taxes, should be compelled to contribute. How did that fact, of their paying nothing, stand, when the taxing system began? 10 When Mr. Grenville began to form his system of American revenue, he stated in this House, that the colonies were then in debt two million six hundred thousand pounds sterling money; and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of six hundred and fifty thousand a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the colonies and he 20 expected. The calculation was too sanguine; the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burthens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No colony, since that time, ever has had any requisition whatsoever made to it.

We see the sense of the crown, and the sense of 30 parliament, on the productive nature of a *revenue by grant*. Now search the same journals for the produce of the *revenue by imposition*—Where is it?—let us know the volume and the page—what is the gross, what is the net produce?—to what service is it applied?—how have

you appropriated its surplus?—What, can none of the many skillful index-makers that we are now employing, find any traces of it?—Well, let them and that rest together.—But are the journals, which say nothing of the revenue, as silent on the discontent?—Oh no! a child may find it. It is the melancholy burthen and blot of every page.

I think then I am, from these journals, justified in the sixth and last resolution, which is —“That it hath been
10 found by experience, that the manner of granting the said supplies and aids, by the said General Assemblies, hath been more agreeable to the said colonies, and more beneficial, and conducive to the public service, than the mode of giving and granting aids in parliament, to be raised and paid in the said colonies.” This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say, that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert, that
20 you took on yourselves the task of imposing colony taxes, from the want of another legal body that is competent to the purpose of supplying the exigencies of the state without wounding the prejudices of the people. Neither is it true that the body so qualified, and having that competence, had neglected the duty.

The question now, on all this accumulated matter, is:—whether you will choose to abide by a profitable experience, or a mischievous theory; whether you choose to build on imagination, or fact; whether you
30 prefer enjoyment, or hope; satisfaction in your subjects, or discontent?

If these propositions are accepted, everything which has been made to enforce a contrary system, must, I take it for granted, fall along with it. On that ground, I have drawn the following resolution, which, when it

comes to be moved, will naturally be divided in a proper manner: "That it may be proper to repeal an Act, made in the seventh year of the reign of his present Majesty, intituled, An Act for granting certain duties in the British Colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom, of coffee and cocoanuts of the produce of the said Colonies or Plantations; for discontinuing the drawbacks payable on China earthenware exported to America; and for more effectually preventing 10 the clandestine running of goods in the said Colonies and Plantations.—And that it may be proper to repeal an Act, made in the fourteenth year of the reign of his present Majesty, intituled, An Act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, landing or shipping, of goods, wares, and merchandise, at the town and within the harbour of Boston, in the province of Massachusetts Bay, in North America.—And that it may be proper to repeal an Act, made in the fourteenth year of the reign 20 of his present Majesty, intituled, An Act for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay, in New England.—And that it may be proper to repeal an Act, made in the fourteenth year of the reign of his present Majesty, intituled, An Act for the better regulating the government of the province of Massachusetts Bay, in New England.—And also, that it may be proper to explain and amend 30 an Act, made in the thirty-fifth year of the reign of King Henry the Eighth, intituled, An Act for the trial of treasons committed out of the king's dominions."

I wish, Sir, to repeal the Boston Port Bill, because (independently of the dangerous precedent of suspending

the rights of the subject during the king's pleasure) it was passed, as I apprehend, with less regularity, and on more partial principle, than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the restraining bill of the present session does not go to the length of the Boston Port Act. The same ideas of prudence, which induced you not to extend equal punishment to equal guilt, even
10 when you were punishing, induced me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence and accommodation to circumstances, prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachusetts colony, though the crown has far less power in the two former provinces than it enjoyed in the latter; and though the abuses have been full as great, and as flagrant, in the exempted as in the
20 punished. The same reasons of prudence and accommodation have weight with me in restoring the charter of Massachusetts Bay. Besides, Sir, the Act which changes the charter of Massachusetts is in many particulars so exceptionable, that if I did not wish absolutely to repeal, I would by all means desire to alter it; as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the governor to change the sheriff at his pleasure; and to make a new returning officer for every
30 special cause. It is shameful to behold such a regulation standing among English laws.

The Act for bringing persons accused of committing murder under the orders of government to England for trial is but temporary. That Act has calculated the probable duration of our quarrel with the colonies; and

is accommodated to that supposed duration. I would hasten the happy moment of reconciliation; and therefore must, on my principle, get rid of that most justly obnoxious Act.

The Act of Henry the Eighth, for the trial of treasons, I do not mean to take away, but to confine it to its proper bounds and original intention; to make it expressly for trial of treasons (and the greatest treasons may be committed) in places where the jurisdiction of the crown does not extend.

10

Having guarded the privileges of local legislature, I would next secure to the colonies a fair and unbiassed judicature; for which purpose, Sir, I propose the following resolution: "That, from the time when the General Assembly or General Court of any colony or plantation in North America, shall have appointed by Act of Assembly, duly confirmed, a settled salary to the offices of the chief justice and other judges of the superior court, it may be proper that the said chief justice and other judges of the superior courts of such 20 colony, shall hold his and their office and offices during their good behaviour; and shall not be removed therefrom, but when the said removal shall be adjudged by His Majesty in council, upon a hearing on complaint from the General Assembly, or on a complaint from the governor, or council, or the house of representatives severally, or of the colony in which the said chief justice and other judges have exercised the said offices."

The next resolution relates to the Courts of Admiralty.

30

It is this:—"That it may be proper to regulate the Courts of Admiralty, or Vices-admiralty, authorized by the fifteenth chapter of the fourth of George the Third, in such a manner as to make the same more commodious to those who sue, or are sued, in the said courts, and to

provide for the more decent maintenance of the judges in the same."

These courts I do not wish to take away; they are in themselves proper establishments. This court is one of the capital securities of the Act of Navigation. The extent of its jurisdiction, indeed, has been increased; but this is altogether as proper, and is indeed on many accounts more eligible, where new powers were wanted, than a court absolutely new. But courts in-
10 commodiously situated, in effect, deny justice; and a court, partaking in the fruits of its own condemnation, is a robber. The Congress complain, and complain justly, of this grievance.¹

These are the three consequential propositions. I have thought of two or three more; but they come rather too near detail, and to the province of executive government; which I wish parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain
20 un repealed will be, I hope, rather unseemly encumbrances on the building, than very materially detrimental to its strength and stability.

Here, Sir, I should close; but I plainly perceive some objections remain, which I ought, if possible, to remove. The first will be, that, in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester Act, I prove too much; that the grievance from a want of representation, stated in that preamble, goes to the whole of legislation as well as to taxation. And
30 that the colonies, grounding themselves upon that

¹ The Solicitor-general informed Mr. B. when the resolutions were separately moved, that the grievance of the judges partaking of the profits of the seizure had been redressed by office; accordingly the resolution was amended by the omission of the words in italics in p. 79.

doctrine, will apply it to all parts of legislative authority.

To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer, that *the words are the words of parliament, and not mine*; and, that all false and inconclusive inferences, drawn from them, are not mine; for I heartily disclaim any such inference. I have chosen the words of an act of parliament, which Mr. Grenville, surely a tolerably 10 zealous and very judicious advocate for the sovereignty of parliament, formerly moved to have read at your table in confirmation of his tenets. It is true, that Lord Chatham considered these preambles as declaring strongly in favour of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume, that these preambles are as favourable as possible to both, when properly understood; favourable both to the rights of parliament, and to the privilege of the dependencies of 20 this crown? But, Sir, the object of grievance in my resolution I have not taken from the Chester, but from the Durham Act, which confines the hardship of want of representation to the case of subsidies; and which therefore falls in exactly with the case of the colonies. But whether the unrepresented counties were *de jure*, or *de facto*, bound, the preambles do not accurately distinguish; nor indeed was it necessary; for whether *de jure*, or *de facto*, the legislature thought the exercise of the power of taxing, as of right, or as of fact without right, equally a 30 grievance, and equally oppressive.

I do not know that the colonies have, in any general way, or in any cool hour, gone much beyond the demand of immunity in relation to taxes. It is not fair to judge of the temper or dispositions of any man, or any set of

men, when they are composed and at rest, from their conduct, or their expressions, in a state of disturbance and irritation. It is besides a very great mistake to imagine, that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we support any given part of our constitution; or even the whole of it together. I could easily, if I had not
10 already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights that we may enjoy others; and we choose rather to be happy citizens than subtle disputants. As we must give away some natural liberty, to enjoy civil advantages; so we must sacrifice some civil liberties, for the advantages to
20 be derived from the communion and fellowship of a great empire. But, in all fair dealings, the thing bought must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul. Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear, to pay for it all essential rights, and all the intrinsic dignity of human nature. None of us who would not risk his life rather than fall under a government purely arbitrary. But although there are some amongst
30 us who think our constitution wants many improvements, to make it a complete system of liberty; perhaps none who are of that opinion would think it right to aim at such improvement, by disturbing his country, and risking everything that is dear to him. In every arduous enterprise, we consider what we are to lose as well as

what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are the *cords of man*. Man acts from adequate motives relative to his interest; and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry.

The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature, when they see them the acts of that power, which is itself the security, not the rival, of their secondary importance. In this assurance, my mind most perfectly acquiesces: and I confess, I feel not the least alarm from the discontents which are to arise from putting people at their ease; nor do I apprehend the destruction of this empire, from giving, by an act of free grace and indulgence, to two millions of my fellow-citizens some share of those rights, upon which I have always been taught to value myself.

It is said, indeed, that this power of granting, vested in American Assemblies, would dissolve the unity of the empire; which was preserved entire, although Wales, and Chester, and Durham were added to it. Truly, Mr. Speaker, I do not know what this unity means; nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts, excludes this notion of simple and undivided unity. England is the head; but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent, legislature; which, far from distracting, promoted the union of the

whole. Everything was sweetly and harmoniously disposed through both islands for the conservation of English dominion, and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire, than I can draw from its example during these periods,
10 when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the noble lord on the floor, which has been so lately received, and stands on your journals. I must be deeply concerned, whenever it is my misfortune to continue a difference with the majority of this House. But as the reasons for
20 that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large, when the question was before the committee.

First, then, I cannot admit that proposition of a ransom by auction;—because it is a mere project. It is a thing new; unheard of; supported by no experience; justified by no analogy; without example of our ancestors, or root in the constitution.

30 It is neither regular parliamentary taxation, nor colony grant. *Experimentum in corpore vili*, is a good rule, which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects, the peace of this empire.

Secondly, it is an experiment which must be fatal in

the end to our constitution. For what is it but a scheme for taxing the colonies in the antechamber of the noble lord and his successors? To settle the quotas and proportions in this House, is clearly impossible. You, Sir, may flatter yourself you shall sit a state auctioneer, with your hammer in your hand, and knock down to each colony as it bids. But to settle (on the plan laid down by the noble lord) the true proportional payment for four or five and twenty governments, according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burthen, is a wild and chimerical notion. This new taxation must therefore come in by the back-door of the constitution. Each quota must be brought to this House ready formed; you can neither add nor alter. You must register it. You can do nothing further. For on what grounds can you deliberate either before or after the proposition? You cannot hear the counsel for all these provinces, quarrelling each on its own quantity of payment, and its proportion to others. If you should attempt it, the Committee of Provincial Ways and Means, or by whatever other name it will delight to be called, must swallow up all the time of parliament.

Thirdly, it does not give satisfaction to the complaint of the colonies. They complain, that they are taxed without their consent; you answer, that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them indeed, that you will leave the mode to themselves. I really beg pardon: it gives me pain to mention it; but you must be sensible that you will not perform this part of the compact. For, suppose the colonies were to lay the duties, which furnished their contingent, upon the importation of your manufactures; you know you would never suffer such a tax to be laid. You know,

too, that you would not suffer many other modes of taxation. So that, when you come to explain yourself, it will be found, that you will neither leave to themselves the quantum nor the mode; nor indeed anything. The whole is delusion from one end to the other.

Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled? To say
10 nothing of the impossibility that colony agents should have general powers of taxing the colonies at their discretion; consider, I implore you, that the communication by special messages, and orders between these agents and their constituents on each variation of the case, when the parties come to contend together, and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion that never can have an end.

If all the colonies do not appear at the outcry, what
20 is the condition of those Assemblies, who offer by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies, who refuse all composition, will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the refractory remain unburthened. What will you do? Will you lay new and heavier taxes by parliament on the disobedient? Pray consider in what way you can do it. You are
30 perfectly convinced, that, in the way of taxing, you can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your quota, how will you put these colonies on a par? Will you tax the tobacco of Vir-

ginia? If you do, you give its death-wound to your English revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious colony, what do you tax but your own manufactures, or the goods of some other obedient and already well-taxed colony? Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you with a clue, to lead you out of it? I think, Sir, it is impossible, that you should not recollect 10 that the colony bounds are so implicated in one another (you know it by your other experiments in the bill for prohibiting the New England fishery), that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burthen those whom, upon every principle, you ought to exonerate. Ho must be grossly ignorant of America, who thinks that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony, especially 20 Virginia and Maryland, the central and most important of them all.

Let it also be considered, that, either in the present confusion you settle a permanent contingent, which will and must be trifling; and then you have no effectual revenue: or you change the quota at every exigency; and then on every new repartition you will have a new quarrel.

Reflect besides, that when you have fixed a quota for every colony, you have not provided for prompt and 30 punctual payment. Suppose one, two, five, ten years' arrears. You cannot issue a Treasury extent against the failing colony. You must make new Boston Port Bills, new restraining laws, new Acts for dragging men to England for trial. You must send out new fleets,

new armies. All is to begin again. From this day forward the empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the colonies, which one time or other must consume this whole empire. I allow indeed that the empire of Germany raises her revenue and her troops by quotas and contingents; but the revenue of the empire, and the army of the empire, is the worst revenue and the worst army in the world.

- 10 Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed the noble lord, who proposed this project of a ransom by auction, seemed himself to be of that opinion. His project was rather designed for breaking the union of the colonies, than for establishing a revenue. He confessed, he apprehended that his proposal would not be to *their taste*. I say, this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing but merely to delude the nation by an
- 20 airy phantom which he never intended to realize. But whatever his views may be; as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

- Compare the two. This I offer to give you is plain and simple. The other full of perplexed and intricate mazes. This is mild; that harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other calculated for
- 30 certain colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people; gratuitous, unconditional, and not held out as matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you

by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disturbed by what I have done to-day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the American affairs, I have steadily opposed the measures that have produced 10 the confusion, and may bring on the destruction, of this empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

But what (says the financier) is peace to us without money? Your plan gives us no revenue. No! But it does—For it secures to the subject the power of REFUSAL; the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not 20 been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not indeed vote you £152,750: 11: 2½ths, nor any other paltry limited sum.—But it gives the strong box itself, the fund, the bank, from whence only revenues can arise amongst a people sensible of freedom: *Posita luditur arca*. Cannot you in England; cannot you at this time of day; cannot you, a House of Commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near 140 millions in this country? 30 Is this principle to be true in England, and false everywhere else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume, that, in any country, a body duly constituted for any function, will neglect to perform its duty, and

abdicate its trust? Such a presumption would go against all governments in all modes. But, in truth, this dread of penury of supply, from a free assembly, has no foundation in nature. For first observe, that, besides the desire which all men have naturally of supporting the honour of their own government, that sense of dignity, and that security to property, which ever attend freedom, have a tendency to increase the stock of the free community. Most may be taken where
10 most is accumulated. And what is the soil or climate where experience has not uniformly proved, that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence, by the straining of all the politic machinery in the world.

Next we know, that parties must ever exist in a free country. We know too, that the emulations of such parties, their contradictions, their reciprocal necessities,
20 their hopes, and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamesters; but government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared that the people will be exhausted, than that government will not be supplied. Whereas, whatever is got by acts of absolute power ill obeyed, because odious, or by contracts ill kept, because constrained, will be narrow, feeble, uncertain, and precarious. "*Ease would retract*
30 *vows made in pain, as violent and void.*"

I, for one, protest against compounding our demands: I declare against compounding for a poor limited sum, the immense, evergrowing, eternal debt, which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I

think it would not only be an act of injustice, but would be the worst economy in the world, to compel the colonies to a sum certain, either in the way of ransom, or in the way of compulsory compact.

But to clear up my ideas on this subject—a revenue from America transmitted hither—do not delude yourselves—you never can receive it—No, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan ¹⁰ what you had taken in imposition; what can you expect from North America? For certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East India Company. America has none of these aptitudes. If America gives you taxable objects, on which you lay your duties here, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects, which you tax at home, she has performed her part to the British revenue. But with ²⁰ regard to her own internal establishments; she may, I doubt not she will, contribute in moderation. I say in moderation; for she ought not to be permitted to exhaust herself. She ought to be reserved to a war; the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service, for all service, whether of revenue, trade, or empire, my trust is in her interest in the ³⁰ British constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties, which, though light as air, are as strong as links of iron. Let the colonies always

keep the idea of their civil rights associated with your government;—they will cling and grapple to you; and no force under heaven will be of power to tear them from their allegiance. But let it be once understood, that your government may be one thing, and their privileges another; that these two things may exist without any mutual relation; the cement is gone; the cohesion is loosened; and everything hastens to decay and dissolution. As long as you have the wisdom
10 to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But, until you become lost to
20 all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true Act of Navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond, which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination, as that your registers and your
30 bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of the mysterious whole. These things do

not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member.

Is it not the same virtue which does everything for us here in England? Do you imagine then, that it is the land tax act which raises your revenue? that it is the annual vote in the committee of supply which gives you your army? or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber.

20

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians, who have no place among us; a sort of people who think that nothing exists but what is gross and material; and who therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which, in the opinion of such men as I have mentioned, have no substantial existence, are in truth everything, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our place as becomes our station

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and ourselves, we ought to auspicate all our public proceedings on America with the old warning of the church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire; and have made the most extensive, and the only honourable conquests, not by destroying, but by promoting the wealth, the
10 number, the happiness of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now (*quod felix faustumque sit*) lay the first stone of the temple of peace; and I move you,

"That the Colonies and Plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards
20 of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament."

Upon this resolution, the previous question was put, and carried;—for the previous question 270, against it 78.

As the propositions were opened separately in the body of the speech, the reader perhaps may wish to see the whole of them together, in the form in which they were moved for.

30 "Moved,

"That the Colonies and Plantations of Great Britain in North America, consisting of fourteen separate

governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament."

"That the said colonies and plantations have been made liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament; though the said colonies and plantations have not their knights and burgesses, in the said high court of parliament, of their own election, to represent the condition of their country; *by lack whereof, they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace, of the subjects inhabiting within the same.*"

"That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies."

"That each of the said colonies hath within itself a body, chosen, in part or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the General Assembly, or General Court; with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services."

"That the said General Assemblies, General Courts, or other bodies, legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal secretaries of state; and that their right to grant the same, and their cheerfulness

and sufficiency in the said grants, have been at sundry times acknowledged by parliament."

"That it hath been found by experience, that the manner of granting the said supplies and aids, by the said General Assemblies, hath been more agreeable to the inhabitants of the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids and subsidies in parliament to be raised and paid in the said colonies."

- 10 "That it may be proper to repeal an Act, made in the seventh year of the reign of his present Majesty, intituled, An Act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs, upon the exportation from this kingdom, of coffee and cocoa-nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthenware exported to America; and for more effectually
20 preventing the clandestine running of goods in the said colonies and plantations."

"That it may be proper to repeal an Act, made in the fourteenth year of the reign of his present Majesty, intituled, An Act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping of goods, wares, and merchandise, at the town, and within the harbour, of Boston, in the province of Massachusetts Bay, in North America."

- 30 "That it may be proper to repeal an Act, made in the fourteenth year of the reign of his present Majesty, intituled, An Act for the impartial administration of justice, in cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay, in New England."

"That it is proper to repeal an Act, made in the fourteenth year of the reign of his present Majesty, intituled, An Act for the better regulating the government of the province of Massachusetts Bay, in New England."

"That it is proper to explain and amend an Act made in the thirty-fifth year of the reign of King Henry VIII., intituled, An Act for the trial of treasons committed out of the king's dominions."

"That, from the time when the General Assembly, or 10 General Court, of any colony or plantation, in North America, shall have appointed, by Act of Assembly duly confirmed, a settled salary to the offices of the chief justice and judges of the superior courts, it may be proper that the said chief justice and other judges of the superior courts of such colony shall hold his and their office and offices during their good behaviour; and shall not be removed therefrom, but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the General Assembly, or on a 20 complaint from the governor, or council, or the house of representatives, severally, of the colony in which the said chief justice and other judges have exercised the said office."

"That it may be proper to regulate the Courts of Admiralty, or Vice-admiralty, authorized by the fifteenth chapter of the fourth of George III., in such a manner, as to make the same more commodious to those who sue, or are sued, in the said courts; *and to provide for the more decent maintenance of the judges of the same.*" 30

The first four motions and the last had the previous question put on them. The others were negatived.

The words in italics on p. 79 were, by an amendment that was carried, left out of the motion; which will appear in the journals, though it is not the practice to insert such amendments in the votes.



NOTES.

p. 1, l. 1, the austerity of the Chair, the sternness with which the chairman should keep speakers from wandering away from the point. Burke is speaking in the House of Commons as M.P. for Bristol, and is here apologising for taking up time with mention of a "fortunate omen." The Chairman or "Speaker" of the House of Commons was Sir Fletcher Norton, who as Solicitor-General had started proceedings against Wilkes in 1763, and had opposed the repeal of the Stamp Act.

l. 4, an object depending, a matter pending or still awaiting settlement. Burke, who was a lawyer by profession, although never "called to the bar," is here echoing the legal phrase "a case pending." The "case pending" here was the question of peace or war with the Colonies.

l. 7, event, result.

l. 9, the grand penal bill, the bill already passed by the House of Commons, and sent up to the House of Lords, "to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantations, in North America, to Great Britain, Ireland, and the British Islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, and other places therein mentioned, under certain conditions and limitations." In other words, whereas the town of Boston had been punished in 1774 by the *Boston Port Act*, all the New England or North-Eastern States were now to be punished by this Act, by the limitation of their trade. The Lords *extended* the Bill to New Jersey, Pennsylvania, Maryland, Virginia and South Carolina. Hence the bill had to come back to the Commons for their approval or disapproval of the extension.

p. 2, l. 2, mixture of coercion and restraint. The mingling of *conciliation* with *coercion and restraint* would have been incongruous. The *coercion and restraint* of American trade and fishing are manifest in the "grand penal bill" now sent back to the Commons for reconsideration.

l. 9, first . . . a seat in this House. Burke first entered the House of Commons in 1765 as M.P. for the pocket borough of Wendover, a small town of Buckinghamshire, which was deprived of its M.P. by the Reform Bill of 1832. In March, 1765, the

American Stamp Act had been passed, and when Burke took his seat, American questions and American discontent were engrossing the attention of Parliament. Burke's maiden speech as M.P., in January, 1766, was upon the Stamp Act and the consequent troubles in America. In November, 1774, Burke had become one of the M.P.'s for Bristol.

1. 19, *My little share in this great deliberation.* Burke speaks very modestly as if in influence and in knowledge of America he had been but a common M.P. During 1765 he had become private secretary to Lord Rockingham, the new Prime Minister—the sun become satellite of the moon—and we may assume that Burke had some say in Lord Rockingham's repeal of the American Stamp Act. In knowledge of politics, Burke was already known as “an encyclopædia of political knowledge” generally and as specially acquainted with American affairs. In 1757 Burke had published, in two volumes, “An Account of the European Settlements in America.”

1. 24, *blown about by every wind of . . . doctrine.* Burke is echoing St. Paul's words in *Ephesians* iv. 14. He means to say that his opinions regarding America, being founded upon exact knowledge and careful reflection, were not altered by the course of events in America.

p. 3, l. 3. *Parliament having an enlarged view . . . made more frequent changes.* This seems merely a flattering excuse for Parliament's frequent changes of policy towards America, and a flattering appeal for still another change. The statement contradicts what Burke has just said about not being “blown about by every wind of doctrine.” The changes in the policy of Parliament had been notorious. First the American Stamp Act had been passed in 1765 and then repealed in 1766; the American Revenue Act had been passed in 1767 and five-sixths repealed in 1770.

1. 17, *a situation . . . I will not miscall.* To call the situation by any milder name than *War* or *Rebellion* would only be *miscalling* it. Burke's skill in political diagnosis is often wonderful. History says that the American War of Independence did not begin until a month after this speech, yet Burke knew already that it was *War*.

1. 21, *a worthy member . . . who in . . . 1766 filled the chair of the American Committee, Mr. Rose Fuller, M.P. for Rye at this time.* The “American Committee” was simply the House of Commons sitting as a Committee to consider American papers, &c. Mr. Rose Fuller was an active M.P. who in that very session had got it enacted that in counties the county town should not be the only voting place. About this time—painful to relate—Mr. Rose Fuller was bought over to Lord North's side by a secret pension of £500.

1. 27, *the public tribunal, the general public—when judging of our behaviour as the Opposition in Parliament.* Mr. Rose Fuller had said that the Opposition must do more than merely

oppose the Government measures. They must produce an American policy of their own.

p. 4, l. 3, we must produce our hand—a figure from card-playing—we must show what cards we ourselves intended to play, i.e. what measures of coercion or conciliation we intended to use with the Americans. A card-player's *hand* is the set of cards he holds.

l. 8, a platform, a set of measures for which a politician is prepared to contend. They constitute his political *standpoint*, or platform. "The ground" is in apposition to "platform."

l. 20, to hazard plans of government except from a seat of authority, to run the risk of failure by introducing bills in Parliament when one does not belong to the Government. It is even more true now than in Burke's day that none but Government bills are likely to pass.

l. 22, disreputably, with loss of reputation.

l. 27, paper government, political measures that look well on paper but may be unjust or impossible to execute. Thus, on paper, a uniform Income Tax is a perfect method of taxation, but political economists can easily show how unjust it would be in its actual working. This sentence sets forth one of Burke's great political principles. Measures may look well on paper, but politics is not a pure or abstract science; it is a human science, in which there are no principles of *universal* application, for the circumstances are ever varying. Abstract political principles are like the straight rays of light which, on entering a denser or a less dense medium, are deflected from their path. "Circumstances give in reality to every political principle its distinguishing colour and discriminating effect. The circumstances are what render every . . . political scheme beneficial or noxious to mankind."—*French Revolution*.

p. 5, l. 22, The proposition is peace. Dean Tucker, Dean of Gloucester, in his reply to Burke's speech on *Conciliation*, comments upon this paragraph, "What a pompous description is here! For after all, what is this Heaven-born pacific scheme of which we have heard so laboured an encomium? Why, truly, *if we will grant the Colonies all that they shall require, and stipulate for nothing in return; then they will be at peace with us*. I believe it; and on those simple principles of simple peace-making I will engage to terminate every difference throughout the whole world."

l. 25, peace to arise out of universal discord, fomented . . . Empire. This we shall see, pp. 66-70, is Burke's opinion of Lord North's bill for ending the American trouble, viz. to give up taxing any Colony that made provision for its administration and defence to the satisfaction of Parliament. This plan, on p. 6, Burke calls "an auction of finance" and an attempt to divide the Colonies and set them against each other, according to the Roman maxim, *Divide et impera*.

l. 33, the former unsuspecting confidence of the colonies in the mother country. The words in italics are those used by the Philadelphia Congress, September, 1774, to describe the state

of feeling in America before the passing of the Stamp Act in 1765. They are again quoted in Burke's *Letter to the Sheriffs of Bristol*, 1777. Very contradictory statements were made on this point. In 1766, before the repeal of the Stamp Act, when Franklin was being examined by the House of Commons, he asserted that before 1763 "the temper of America towards Great Britain" was "the best in the world." . . . "The Americans had not only a respect but an affection for Great Britain, for its laws, its customs, its manners." "Till lately . . . the authority of Parliament was allowed to be valid in all laws except such as should lay internal taxes. It was never disputed in laying duties to regulate commerce."

On the other hand, two prominent Frenchmen, Montcalm, the antagonist of Wolfe at Quebec, and another, had declared that if France lost (French) America, in ten years America would be in revolt against England. Dean Tucker also makes out that American loyalty had not been proof against self-interest.—*Letter* in reply to this speech of Burke's.

p. 6, l. 4, **Refined policy**, an over-elaborate method. This rare, bad, sense of *refine* is common in Burke, see p. 17; Burke hated over-regulation and subtle, *a priori* reasoning in politics. Of the nicely-balanced scheme for imposing the American tea duty, he says, "This fine-spun scheme had the usual fate of all exquisite policy."—*American Taxation*. Strange to say, *refining* is charged against Burke himself by Goldsmith at this very time:—

"Who, too deep for his hearers, still went on refining,
And thought of convincing while they thought of dining."

l. 13, the pruriency of curious ears, the itching of some people to hear novelties. Latin *prurire*, to itch. Since Burke's day, *pruriency* has been limited in use almost wholly to the bad sense, *lewdness of mind*.

l. 16, the noble lord in the blue riband. This was the regular House of Commons circumlocution for "Lord North": see p. 39, in the House, Lord North used to wear this badge of the Order of the Garter (of which Order he was a Knight), the House of Commons etiquette obliging Members to dress more formally than it does now. There being no other Knight of the Garter in the House of Commons, the circumlocution could cause no confusion. Lord North's "project" was his proposal for *conciliation*—a fair and workable proposal, but like all others by that time too late. The resolution, as moved by Lord North and agreed to by the House, on 27th February, 1775, was "That when the governor, council, or assembly, or general court, of any of his Majesty's provinces or colonies in America, shall propose to make provision, according to the condition, circumstances, and situation, of such province or colony, for contributing their proportion to the common defence (such proportion to be raised under the authority of the general court, or general assembly, of such province or colony, and disposable by parliament), and shall engage to make provision also

for the support of the civil government, and the administration of justice, in such province or colony, it will be proper, *if such proposal shall be approved by his Majesty, and the two Houses of Parliament*, and for so long as such provision shall be made accordingly, to forbear, *in respect of such province or colony*, to levy any duty, tax, or assessment, or to impose any further duty, tax, or assessment, except such duties as it may be expedient to continue to levy or impose, for the regulation of commerce; the nett produce of the duties last mentioned to be carried to the account of such province or colony respectively."

1. 17, **your lobby** . . . **squabbling colony agents**. The lobby of the House of Commons (or House of Lords) has often, as here, the special sense of the entrance hall to which others than M.P.'s have access when they wish to interview members in order, it may be, to urge some modification of a bill under discussion. Each of the colonies had an "agent" in London. In 1769, Burke himself had been "agent" for New York, and in his "letter" in reply to Burke's *Conciliation*, Tucker calls him "agent for New York." According to Lord North's proposal, each colony's contribution for payment of the army, etc., would be fixed by Parliament, hence there would be "lobbying" by the colony agents, and squabbles among them as to the fairness of the several amounts. Under Burke's own plan, however, of voluntary contributions, the squabbling would have been worse. Dean Tucker, *Letter*, p. 50, cites cases of such squabbling between the colonies during the wars of 1764 and 1758, and declares that in 1758 some of the colonies ardently wished that certain others "might be compelled by Act of Parliament to bear an equal share of the public burdens."

1. 19, **your mace**. The mace or sceptre of the House of Commons is the symbol of its authority. The serjeant-at-arms or chief officer of the House is sometimes sent with the mace to enforce the orders of the House.

1. 21, **an auction of finance**. In p. 66, Burke returns to this same figure of Parliament acting as auctioneer while the colonies bid for legislative independence and offer larger and larger contributions until Parliament is pleased to knock down its hammer and grant the boon.

1. 31, **the menacing front of our address**. In reply to the king's speech at the opening of each session or whenever it pleases, either House of Parliament may send an address to the king giving its view of public affairs. A batch of American documents had been communicated to Parliament, and on 9th February, 1775, both Houses had "addressed" the king. They besought His Majesty to take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature, and they assured him that "at the hazard of their lives and properties" they would stand by him "against all rebellious attempts." The address was approved: in the Commons by 296 to 106 votes, in the Lords by 104 to 39. The war was popular.

p. 7, 1. 26, **The superior power may offer peace with honour**

and with safety. Shakespeare expresses a very similar thought more strikingly when Portia says, regarding *mercy* :—

" 'Tis mightiest in the mightiest . . .
And earthly power doth then show likest God's
When mercy seasons justice."

p. 8, l. 9, the object which we have before us. The sentence following shows that Burke means *America*.

l. 11, we must govern America according to . . . those circumstances; and not . . . the ones of government—another statement of Burke's great political principle: see note to p. 4, "paper government." The remainder of the speech is occupied with the [six] "circumstances" of America and with Burke's practical conclusions: *first*, that the trade with America was of great value to Britain; and, *secondly*, that, in the circumstances, coercion of America was impossible and she should virtually be let alone.

l. 27, 500,000 others, viz. the negroes.

l. 33, the strength with which population shoots up. Franklin was questioned about this when being examined by the House of Commons in 1766, and estimated that the population doubled every twenty-five years.

p. 9, l. 13, pinched repeats narrow and contracted—grudging, illiberal, small-minded.

l. 13, occasional system, a system that is shaped to suit a particular occasion without due consideration of general principles. Thus in 1770 Lord North repealed five-sixths of the Revenue Act of 1767 merely to try to appease the American discontent, even although the Revenue Act had laid down the general rule, "It is expedient to raise a revenue in America. In a similar sense, poems like Milton's sonnet, "On the late Massacre in Piedmont," and Tennyson's "Charge of the Light Brigade," are called *occasional* poems.

We here meet with another of Burke's great political principles, viz. this—Legislation, constructive or destructive, must not be *occasional* or determined merely by one circumstance or one aspect of affairs, which may perhaps be but a passing phase. Burke's great criticism of the French Revolution was that its destructive legislation was largely occasional merely. The vice of democracies and the ruin of the ancient democracies, Burke declared, was "that they ruled by occasional decrees."—*French Revolution*. (See also p. 28, "Far from deciding on a sudden or partial view," etc.)

l. 15, minima which are out of the eye . . . of the law—an echo of the legal maxim, *De minimis non curat lex*, The law does not concern itself with mere trifles.

l. 33, a distinguished person at your bar. This was Mr. Richard Glover, a merchant of London and a poet, who had addressed the House of Commons from the bar in support of a petition from West Indian planters and West Indian London merchants. The petitioners pointed out how much they would

suffer by the stoppage of trade with the American Colonies threatened by the American Non-Importation Agreement of September, 1774. Glover appealed to Scotch members in particular, for Scotland, he urged, would lose her valuable trade with America of nearly £400,000 export alone to the tobacco provinces—the trade of the Glasgow tobacco-lords.

As a poet, Glover is now forgotten. To his own and the next generation he was "the celebrated author of *Leonidas*," but the only survivor of his poems now is his ballad of *Hosier's Ghost*.

It was in January, 1742, when Walpole was nearing his fall, that Glover first appeared in the House of Commons in support of a petition that British commerce was being insufficiently protected.

The "bar" is a barrier just within the door of the House of Commons, behind which outsiders stand when allowed to address the House or when summoned as witnesses, etc.

p. 10, l. 21, state, statement. In mercantile language, *state* may still be used in the sense of a statistical or financial statement.

l. 26, accounts on your table, accounts that have been formally laid before you, and about which no decision has been come to.

l. 27, Davenant, Charles Davenant, the first "Inspector-General of exports and imports," 1705-1714.

l. 32, The African (export trade) terminating almost wholly in the colonies. The principal trade of Africa was the shipping of slaves to America. Burke means that the goods exported to Africa from Britain paid for the slaves whose *destination* was the American colonies: hence this African trade might be included in the total of the American trade.

In John Wesley's *Journal*, April 14th, 1777, he records: "At Liverpool . . . many large ships are now laid up in the docks, which had been employed . . . in buying or stealing poor Africans and selling them in America for slaves . . . Since the American War broke out there is no demand for human cattle."

p. 11, l. 18, export trade from Scotland . . . had in 1704 no existence. Before the union of the Parliaments in 1707, Scottish ships were foreigners and thus virtually excluded from English colonial trade by the English Navigation Acts.

p. 12, l. 27, It is good for us to be here. This is a theme to be dwelt on. These were the words with which St. Peter urged Christ to remain upon the "high mountain" upon which Christ stood transfigured before the three apostles. Burke had the *vision on the high mountain* in his mind. (See *Matt. xvii.*, 1-8, etc.) The "clouds . . . upon the future" are also suggested by the same narrative. Burke's speeches abound in literary echoes, including echoes from the Bible.

p. 13, l. 2, My Lord Bathurst, born 1684, died this year, 1775, so that the old man was spared seeing the separation of America.

l. 5, aota parentum . . . virtus, he will now be able to read the deeds of his fathers and to know what valour is.—Virgil, *Ecloues*, 4, 26, slightly modified.

1. 7, the angel, the guardian angel supposed to attend each human soul.

1. 11, the fourth generation . . . of the House of Brunswick—George III. being *grandson* of George II.

1. 13, moderate and healing councils. The union of England and Scotland into Great Britain in 1707 had been brought about by mutual forbearance and concessions. "Council" is a common eighteenth-century spelling of *counsel*.

1. 15, his son, Lord Chancellor, etc., Henry Bathurst, made Lord Chancellor 1771, with the title of Baron Apsley. It is in honour of his son, Henry Bathurst, Colonial Secretary, that eight places in the British Empire are called *Bathurst*.

1. 15, turn back the current of hereditary dignity to its fountain, etc. The influence of the son, the Lord Chancellor, says Burke, gained for the father, Baron Bathurst, the *higher* title of Earl Bathurst in 1772, shortly after the son himself had become a new peer, Baron Apsley. The father is the usual "fountain of hereditary dignity" for his son, but here it was the son for the father.

1. 23, the genius, the guardian angel—the Latin for which is *genius*.

1. 25, seminal principle, seed germ.

1. 29, taste of death, die—a New Testament and Shakespearian phrase introduced into this grand oratorical outburst. (See *Matt.* xvi. 28, etc.)

p. 14, l. 20, generalities . . . have here a tendency to sink [the subject], general statements about the growth of commerce lessen the impressiveness of the facts. In those paragraphs about the growth of commerce with America, Burke shows his genius as a writer and orator. His statistical treatment of the prosaic theme is varied and elevated by the flight of imagination, viz. the vision of Lord Bathurst's guardian angel, by the happy echoes of the language of grand passages of the Bible and Virgil, and finally by the very striking and condensed summing up that here "fiction lags after truth" and "imagination is cold and barren." Dr. Johnson, not very successfully, manufactured a parody of this guardian-angel passage to set forth the growth of American ingratitude and anti-monarchical Whiggery.

p. 15, l. 8, the scarcity [of corn] which you have felt. In 1773 a law had been passed, because of the scarcity, to prohibit exportation of corn and encourage importation on certain conditions.

There had also been considerable scarcity in 1766, to which Lord Shelburne had referred in the House of Lords when supporting Chatham's bill for settling the American troubles, 1st February, 1775.

1. 10, a true filial piety . . . a Roman charity. "Piety" = filial affection—one of the meanings of Latin *pietas*; "charity" = love—Latin, *caritas*. Burke refers to the familiar Roman story of the daughter, Xanthippo, who allowed her father, Cimon,

to suck milk from her breast while he was enduring his sentence to be starved to death in prison.

l. 29, the frozen serpent of the south, the constellation Hydrus, near the South Celestial Pole.

l. 30, Falkland Island, the Falkland Islands south-east of South America.

l. 31, romantic, venturesome.

p. 16, l. 1, draw the line and strike the harpoon, carry on whale-fishing. The harpoon is the barbed spear lunged at the whale, and the line is the rope of the harpoon by which harpoon and whale are drawn back to the boat. "The whale fishery was one of the most profitable industries of New England."

l. 2, run the longitude, sail right south, i.e. along one of the lines of longitude.

l. 4 [sea] vexed, disturbed, broken into waves. This is an echo of Milton and Shakespeare: e.g. "Vexed Scylla," *Paradise Lost* II. 660; "the still-vex'd Bermoothes," *Tempest*, act 1, sc. 2.

l. 16, a wise and salutary neglect. In these paradoxical words we have another article of Burke's political creed. Over-regulation and strict mechanical administration of regulations are out of keeping with a great and flourishing community; scope must be allowed to spontaneous out-growth. For example, Burke thought Britain should wink at the breaches of the Navigation Acts in America—not one-tenth, it is said, of the tea consumed in America came from Britain, as by law it ought to have done. He thought Britain would benefit indirectly from a flourishing America, much more than from strict enforcement of her rights to monopoly of the colonial trade. Discussing this matter in *American Taxation*, he says, "It is the nature of all greatness not to be exact; and great trade will always be attended with considerable abuses" . . . "It should stand as a fundamental maxim that no vulgar precaution ought to be employed in the cure of evils which are closely connected with the cause of our prosperity." Again, "Too many are apt to believe regulation to be commerce and taxes to be revenue." Similarly, in *Present Discontents*, "It is no inconsiderable part of wisdom to know how much of an evil ought to be tolerated." *Let well alone*, he might have said.

l. 23, if fighting a people be the best way of gaining them. Deau Tucker, Burke's opponent, put this more strikingly: "A shopkeeping nation would not improve its trade by beating its customers."

l. 30, complexion, temperament, habit of mind. This obsolete sense of complexion is common in Burke.

p. 17, l. 11, Terror is not always the effect of force, etc. In this paragraph, another feature of Burke's oratory and writing may be noted. His thinking seems naturally to crystallise into maxims of manifest and undeniable truth. The conciseness of every sentence in this paragraph is remarkable. Perhaps no writer, Bacon excepted, of equal power in opening up and reasoning upon a subject, more abounds in quotable aphorisms.

1. 19, you impair the object by your very endeavours to preserve it. (Cf. p. 30, "Preposterous to make them unserviceable in order to keep them obedient," also p. 38, ll. 4-7.)

Another article of Burke's political creed here presents itself. It is that every political proposition must commend itself as common sense. Cf. *American Taxation*—"Too much logic and too little sense." To destroy or seriously damage the colonies in the regaining of them, says Burke here, would be absurd—as absurd as cutting off the nose to spite the face. "Show the thing you contend for to be reason," said Burke, *American Taxation*, "show it to be common sense, show it to be the means of attaining some useful end." Or again [*American Taxation*] "The Englishman in America will feel that this is slavery—that it is legal slavery will be no compensation." Of this dispute between Britain and America, one might almost say—In law, in conduct, right was on the side of Britain; the Colonists, delivered from fear of France, were now guilty of ingratitude; nevertheless, Common Sense said that America had grown to be a *sister nation* and therefore could no longer be treated as a mere property or an unrepresented pendicle of Britain. Similarly, as Lord Morley points out, in the American Civil War, 1861-5, abstract logic gave the Southern States the right to secede from the Union, but Common Sense declared it would be wrong to break up the Union.

1. 26, to be caught by a foreign enemy . . . in the midst of it. Did Burke guess that Britain would have to fight not only the colonies but likewise France from 1778, Spain from 1779, and Holland from 1780, while also fighting in India with the Mahrattas and Hyder Ali, and that it was the control of the sea by the French fleet that would cause the surrender of Lord Cornwallis in 1781, and virtually end the American war?

p. 18, l. 5, our penitence, our reversal of the policy of indulgence to America—assuming that that was a "sin."

1. 17, jealous, suspicious, suspiciously watchful—a sense nearly obsolete, but the only sense in Shakespeare.

1. 30, The colonists emigrated, etc. The New England colonies at least were founded during the struggles of the people with James I. and Charles I.

p. 19, l. 1, Abstract liberty . . . is not to be found. Liberty itself is not an actual thing; it exists only as a characteristic of certain definite circumstances. Similarly, with all abstract terms e.g. *whiteness*: whiteness does not actually exist apart from white objects.

1. 8, sensible object, concrete case. Sensible—able to be perceived, actual: the termination *ble* has usually a passive sense, but in *sensible* [able to perceive], and a few other words, the active sense is the commoner.

1. 6, the great contests for freedom . . . the question of taxing, e.g. Magna Carta said no aids were to be collected "unless by the common consent of the realm," after they had been voted by a council.

Addressing the House of Lords, January 20th, 1775, Lord Chatham said: "The spirit which now resists your taxation in America is the same which formerly opposed loans, benevolences and ship-money in England; the same which . . . established the great fundamental essential maxim of your liberties—that no subject of England shall be taxed but by his own consent."

1. 9, the election of magistrates, as at Rome in the struggles between patricians and plebeians regarding the election of consuls.

1. 13, On this point of taxes the ablest pens, etc. Burke is no doubt thinking of the opposition to Charles I.'s forced loans and illegal taxation. The "ablest pens" would include the celebrated jurists, Coke and Selden, the chief framers of the Petition of Right; the "most eloquent tongues" would include Sir John Eliot, the orator of the House of Commons at the time; the "noblest spirit" would first of all signify John Hampden.

1. 19, granting money. "Granting" is used in the constitutional sense of "voting by the Commons."

1. 19, a dry point of fact, a hard fact, an historical fact.

1. 21, blind usages, unexplainable usages.

1. 27, delivered this oracle, made this pronouncement.

1. 32, the colonies draw from you . . . these ideas. One of the resolutions passed by the Virginian Assembly, after the passing of the Stamp Act, 1765, on the motion of Patrick Henry, was "That the taxation of the people, by themselves, or by persons chosen by themselves . . . is . . . the distinguishing feature of British freedom."

p. 20, l. 6, to make a monopoly of theorems and corollaries, to prevent others from applying your principles and deductions to their cases.

1. 15, Their governments are popular in a high degree. In his *European Settlements in America*, 1757, Burke gives an account of the governments of the colonies, dividing them into three classes, Royal, Proprietary and Charter Governments. All had popular elected Assemblies, "with privileges resembling those of the Commons in England." Further, all with the exception of Massachusetts and the Proprietary Government of Pennsylvania and the Charter Governments of Connecticut and Rhode Island had likewise a Council or Upper House, nominated and removable by the Crown, which acted both as a Branch of the Legislature and as a Privy Council of the Governor. Massachusetts had an Upper House elected annually by the Lower. Finally, in all except the Charter Governments of Connecticut and Rhode Island, there was a Governor representing the Crown. The Governor, and also the Crown after the Governor, had to approve of all laws made by the Legislatures, but Connecticut and Rhode Island were "mere democracies," as Burke said in 1757, or, as he says here, their governments were *merely*, i.e. absolutely, popular. Those two governments "elected their own officers from the highest to the lowest, and the laws which they enacted were valid without the royal approbation." The Proprietary Government of Maryland

had its Governor elected by the representatives of the original proprietors, subject to the approval of the Crown.

It is noteworthy that even in 1757 Burke speaks of the confusion and corruption in Massachusetts through the dependence of the Governor upon the popular Assembly for his charges, thus necessitating him governing "by faction and cabal."

1. 20, [Protestantism] a persuasion not only favourable to liberty, but built upon it. The very names *Protestants* [=protesters], *dissenters* [=those of a different opinion] and *non-conformists* [=those who do not conform to the established religious usages] imply difference of opinion and a claim to liberty of thought and action on the part of those protesting, etc. In Poland, the name for Protestants and those not Roman Catholics was actually *Dissidents*, i.e. Dissenters. It is a common-place that Protestantism is based upon each man's claim to think for himself in questions of religion, though Burke prefers to say that Protestant love of liberty is specially due to the persecution which many Protestant churches had to endure at their beginning.

p. 21, l. 12, a refinement on the principle of resistance, the very essence of the spirit of resistance [to ecclesiastical domination]. One may say that the religious authority in Roman Catholicism is absolute, and forbids resistance; in English Episcopacy the authority, though not absolute, is largely independent of the members composing the Church, and resistance is discouraged; but in Presbyterianism, the church government is democratic, and therefore tends to foster an independent spirit; in Congregationalism it is completely independent self-government by each local community; while Quakerism approaches to individualism, pure and simple. Burke no doubt had in his mind that the two latter systems prevailed where the anti-taxation feeling was strongest; Quakerism prevailed in Pennsylvania, and Congregationalism in the north-eastern states. Congregationalism came there with the Plymouth Fathers, and in the six north-eastern states it is declared to be "the ruling sect" still. In p. 31 Burke speaks of "their republican religion." Presbyterianism was strong in New Jersey.

At the same time Burke could not say that religious persecution was unknown in these parts of America. On the contrary, writing of the New England, i.e. north-eastern states, in 1757, he declares "that the persecution which drove the Puritans out of England might be considered as great lenity" in these colonies.

1. 13, the dissidence of dissent, the dissent of dissent, the essence of dissent. *Dissidence* was a recognised synonym of dissent, although different in etymology.

1. 15, communion, sharing.

1. 30, the latitude, breadth, sweeping character.

1. 32, a regular establishment, a body of state-paid chaplains. The phrase is generally limited to the staff of a public office, or, as here, of a Government Department. The Church of England had been an *established* or State church in Virginia since

about 1621 and in Maryland since 1692, also in other Southern Colonies. In Virginia alone, the "regular establishment" of chaplains at this time numbered from 60 to 70.

p. 22, l. 9, broad and general as the air—echo of *Macbeth*, act 1, sc. 4.

l. 15, these people of the southern colonies are . . . more strongly . . . attached to liberty. The liberty-loving spirit of these slave colonies, Virginia, etc., may be said to be proved by the fact that the majority of the leaders in the rebellion were Virginians, e.g. *Washington*, *Patrick Henry* (who in 1765 had declared "Cesar had his Brutus; Charles the First, his Cromwell; and George the Third"), *Richard Henry Lee*, who in the Congress proposed that Independence should be declared, *Thomas Jefferson* who drafted the Declaration of Independence and had declared, "The God who gave us life, gave us liberty at the same time," *Madison* who became fourth President of the U.S.

l. 19, the ancient commonwealths. There were slaves in the Republics of Rome and Athens.

l. 19, Gothic ancestors, Teutonic ancestors—a loose and now obsolete sense of *Gothic*. Probably Burke means the Anglo-Saxons, among whom slavery existed until the Norman Conquest, after which the slaves became serfs. "Gothic" is now used in the stricter sense of *belonging to the Goths*, and in certain special connections, e.g. "Gothic architecture," "Gothic barbarism."

l. 20, were the Poles. This was uttered in 1775. Up till 1772, the Polish peasantry were mere serfs, but in 1772, the date of the First Partition of Poland between Russia, Prussia and Austria, the condition of the serfs had been somewhat improved.

l. 23, The [legal] profession is numerous and powerful; and in most provinces, etc. Burke's opinion of American law and lawyers in 1757 was that the laws were an "ill-agreeing mass," a compound of the original English law and later American legislation, "by which," Burke said, "a spirit of contention is raised. . . . And thus in many of our settlements, the lawyers have gathered to themselves the greatest part of the wealth of the country, men of less use in such establishments than in more settled countries." Of the chief leaders in the revolution, John Adams, second of the resolution in Congress that Independence be declared, *Patrick Henry*, *Thomas Jefferson*, *Madison*, all were lawyers. *Washington*, a surveyor and country gentleman, *Richard Henry Lee*, a country gentleman, and *Franklin*, printer, journalist and scientist, were exceptions.

It is of special interest in this connection to read Burke (*French Revolution*) on the instinctive modishness and contentiousness of the lawyers, who, as majority in the *Third Estate*, brought about the French Revolution, 1789.

l. 32, the congress, the assembly of representatives of the thirteen Colonies at Philadelphia, September 4th, 1774.

p. 23, l. 4, sold nearly as many of Blackstone's Commentaries in America as in England. Blackstone's "Commen-

taries on the Laws of England," published 1765-9, was already a standard work.

l. 6, **General Gage** was Governor of Massachusetts and Commander-in-chief for all North America at this time.

l. 11, **The smartness of debate will say**, a smart debater will turn this against me and say.

l. 14, **All this is mighty well**, my opponent's reasoning is very fine but facts are against it—an idiomatic retort, somewhat analogous to the "Thank you!" with which an offer may be at one and the same time accepted and contemptuously declined.

l. 15, **my honourable and learned friend on the floor**. A note by Burke himself explains that this was the Attorney-General, Thurlow, afterwards Lord Thurlow, Lord Chancellor. He had made a jutting of something uttered by Burke with a view to replying to it. Thurlow was actually the first to speak after Burke.

l. 23, **About studia in mores**, Studies affect character—from Ovid, *Herodes* xv. 83, twice quoted by Bacon, e.g. in *Of Studies*, "Histories make men wise; Poets, witty; the Mathematics, subtle; Natural Philosophy, deep; Moral, grave; Logic and Rhetoric, able to contend. About," etc.

l. 34, **moral**, pertaining to the characters or habits of men—the adjective of *mores* above. The word occurs more frequently in Burke in this sense than in the common modern sense of *pertaining to right and wrong, ethical*. The hereditary love of liberty and the ultra-Protestantism of the northern colonists were *moral* "causes of their disobedient spirit." On p. 26, *moral* in this sense is contrasted with *natural*, i.e. physical.

p. 24, l. 5, **winged ministers of vengeance, who carry your bolts in their pounces, etc.**, the British men-of-war that can bombard the shore of every sea (but whose power stops at the shore). Perhaps Burke had in mind the words of the Philadelphia Congress, "Address to the Inhabitants of Great Britain," "We can retire beyond the reach of your navy without any sensible diminution of the necessities of life." But Burke also found this fine metaphor in Clatham's great speech, January 22nd, 1775, where the men-of-war were eagles carrying Jupiter's thunderbolts in their talons. The idea and the language are Horace's (*Odes* iv. i.) and Milton's—*Paradise Lost* I. 170, "winged ministers of vengeance," as the Clarendon Press edition points out. Compare also Cowper's *Letters*, 1781, "A bundle of thunderbolts such as you have seen in the talons of Jupiter's eagle."

l. 9, **So far shalt thou go, and no farther**—echo of the story of Canute commanding the flowing tide to stop. The British notion of their power on the land in America was as foolish as Canute's of his power over the sea.

l. 19, **Despotism . . . is obliged to truck and huckster**. Even an absolute ruler must be content with the best bargain he can make with his subjects, i.e. must be content with partial

obedience in distant provinces. This, of course, was much truer then than now. Railways, steamships and telegraphs have now annihilated space and time.

1. 24, Spain in her provinces. In 1775 Spain had far more extensive colonial possessions than Britain. Besides Cuba and the Philippines, recently lost to the U.S., she possessed the south-western portion of North America, all Central America and all the western half of South America, the extreme south excepted.

1. 23, Capital, main, leading.

1. 31, the first mover of government—an echo of the old astronomical idea that the outer sphere of the world [the sphere of the fixed stars] was the main mover of the universe, the *primum mobile*, and carried round the inner spheres [the spheres of the planets, sun, moon] even while these latter had separate movements of their own. Twice in his *Essays*, II., xv., Bacon uses the same figure as Burke does here, viz. that the king or his government is the *primum mobile*, while parties or leaders should only be like the subordinate spheres.

p. 23, l. 1, however lawful. It is worth noting that Burke acknowledges that Britain had a legal right to tax America.

1. 30, every principle of authority . . . has been pushed . . . as far as it would go, etc., every fundamental ground justifying British supremacy or American independence has been made to justify the most extreme inferences, so that we are sure of no political principles now. Thus, in the Congress at Philadelphia, May, 1776, a resolution was proposed by John Adams, and carried, that it was absolutely irreconcilable with reason and good conscience "for the colonists to bear allegiance to "any government under the crown of Great Britain"—a virtual declaration that all modern colonies are irrational.

1. 35, the popular part of the colony constitution, the elected Assembly in each Colony. They "derived their activity from the Crown," for in every State excepting Connecticut and Rhode Island, the Governor, appointed or approved by the Crown, could summon and dissolve the elected Assemblies. Further, they derived their "first vital movement from the Crown," for by Royal Charter, or otherwise, the Crown had instituted or authorised the constitutions of the Colonies and claimed the right to modify them.

p. 26, l. 15, without . . . the formality of an election, e.g. in Virginia, when Lord Dunmore, the Governor, dissolved the Lower House for its violent language regarding the Boston Port Bill, the members of the House simply met elsewhere. In Massachusetts, when the Governor cancelled the writs for elections to the Assembly, the elections were proceeded with all the same.

1. 27, the ordinary artificial media of a positive constitution, the usual pre-arranged means that a formally defined constitution will employ. Burke simply means that the new arrangements for government in the various Colonies *grew up*, they were not instituted by means of the old formalities such as

Governors' Gazettes or Proclamations or Royal Charters. This mere sense of *positive* = formally stated, is seen in the classification of Laws into "Law of God, Law of Nature, and positive Law."

p. 27, l. 18, or that we have not at all adverted to some other far more important . . . principles. Burke feels so great surprise at the success of the new and spontaneously-formed government in Massachusetts, that he says he thinks students of politics must have overlooked some important principle in politics. This is only oratorical astonishment at the unanimity and law-abiding character of the people of Boston and New England. The truth was, that the Governors and handful of British officials in New England had become a useless husk which could be shed without difficulty when the people were law-abiding and of one mind in politics. The new Governments certainly showed one important and new principle, viz. that a hereditary Crown and Peers were not a necessity in Government.

l. 23, without attacking some of those principles . . . for which our ancestors have shed their blood. Perhaps Burke was thinking of his friend Dr. Johnson's pamphlet, just published, "Taxation no Tyranny"; an answer to the Resolutions and Address of the American Congress.

p. 28, l. 6, if I were capable of engaging you to an equal attention. It has been suggested, that the members showed signs of disapproval when Burke declared he "would patiently go round and round the subject." Burke had already spoken for an hour, and we know he was to continue other two hours. To us Burke is the authoritative exponent of great political principles, but in his own day he was also known as "the dinner-bell of the House." For another confession that his audience was impatient, see *American Taxation*: "I hope I am not going into a narrative troublesome to the House."

l. 15, Another [way] . . . that of giving up the colonies, viz. the remedy advocated by Dean Tucker of giving up the Colonies. The trade with the American Colonies he showed was a trifle compared with the trade with the continent of Europe. Spain's Colonies, he contended, had become a source of weakness to the mother-country.

l. 23, It is radical in its principle. Its idea is to go to the root of the matter. The term *Radical* did not become a recognised political term until a little later than this.

p. 29, l. 16, the Appalachian mountains, the mountain range parallel to the East coast of the U.S. separating the Coast Plain from the great plain of the Mississippi and Missouri rivers. In its Southern portion it is oftener called the Alleghany mountains.

l. 23, hordes of English Tartars, devastating nomad bands like those of Tartary or Central Asia. One wonders whether Burke had in mind here that in his book, *European Settlements in America*, he had said that the aborigines of North America were of Tartar origin. The word *horde* is itself the Tartar or Turki word for camp, being identical with the Hindustani *urdu*, which,

as applied to a language, was originally the *camp* or *army* language. Burke appears to be giving a loose rein to his imagination, but as Mr. Augustine Birrell says, "Burke may be called the High Priest of Order—a lover of settled ways, of justice, peace, and security"—and this vision of anarchy had fired his imagination.

l. 26, comptroller, controller, checker of accounts, auditor. This old spelling now survives only in certain official designations.

l. 30, "Increase and multiply,"—the older version of the Bible phrase, four times repeated, "Be fruitful and multiply" [and people the earth]. (See *Genesis* i. 27; *Fairie Queene* III., vi. 31; *Paradise Lost* X. 730, the Douay Old Testament and the Vulgate.) The blessing was pronounced upon man after his creation.

l. 32, that earth which God . . . has given to the children of men. See *Psalms* cxv. 16.

p. 30, l. 4, the mysterious virtue of wax and parchment, the sacredness of a formal written conveyance of his land to him by the government. Legal documents used to be written on parchment and sealed with wax.

l. 28, preposterous to make them unserviceable in order to keep them obedient—another instance of Burke's appeal to common sense as against mere legality: see note to p. 17, l. 19.

p. 31, l. 8, *Spoliatis arma supersunt*, men stripped of gold and silver still have weapons—a saying of the Latin satirist, *Juvenal* viii. 124.

p. 31, l. 12, your speech would betray you—*Matthew* xxvi. 73. At Christ's trial, St. Peter's Galilean tongue betrayed that he was one of Christ's followers, although he had denied the fact. English being the language of a free people, an Englishman would be an impostor who would argue in English that an Englishman should not be a free man. Just before this, in 1772, there had been great exultation over Lord Chief Justice Mansfield's decision that as soon as a slave set his foot on England he was free. "Slaves cannot breathe in England," as Cowper wrote in 1783.

l. 16, their republican religion. See note to p. 21, "a refinement." This is the first breathing of the word *republic* by Burke in connection with the American discontent.

l. 18, The mode of inquisition and dragooning. We think particularly of the Inquisition (or trial of heretics) in Spain, where burning of heretics was familiar, of the dragonnades or persecution of French Protestants in 1684-5, and of the hunting of the Scottish Covenanters by Claverhouse's dragoons in the reigns of Charles II. and James II. Perhaps Burke had in mind that in Spain, only a few years before, the Inquisition . . . had been forbidden to inflict capital punishment without a royal warrant, and in 1770, even to make arrests unauthorised.

l. 23, to burn their books of curious science. A playful echo of the language of the Bible, *Acts* xix. 19. We read that at Ephesus after certain exorcists had been humbled, many of them . . . which used curious arts brought their books together and burned them." These Ephesian "curious books" were books of

magic; the American were law books. "Curious" has here an old sense, *occult* or *subtle*. But Burke, while quoting from the New Testament, almost seems to be punning likewise, for *curious* (from *cura*, care) might also be taken as the adjective of Latin *curia*, a law-court or senate-house, in which case "curious" would mean *legal* or *political*.

l. 35, a general enfranchisement of their slaves, the freedom of all American slaves. This same year, 1775, Lord Dunmore, Governor of Virginia, issued a proclamation offering freedom to all slaves in his State who should join the British standard. He also recommended arming the negroes, "but neither the ministry nor the British officers would enter into the plan." On the other hand, as Burke foresaw, the Americans enlisted negroes in most of the States, and by the end of the war the slaves had been emancipated in most of the New England States. Ludlow, *War of American Independence*.

p. 32, l. 2, any opinion, any good opinion. Cf. the use of "fortune" for *good fortune*.

l. 8, auspicious scheme, promising plan—an example of the sarcastic irony of Burke, which, along with very happy allusions and quotations and puns, constituted Burke's wit. Burke was so large minded and philosophical, so eager to convince, and in such deadly earnest, that however quick and acute in intellect, he could hardly be a wit in the modern sense.

l. 12, A measure . . . recourse. In their desperate situation after the battle of Cannae, the Romans enlisted even slaves to oppose Hannibal.

l. 19, one of whose causes of quarrel . . . that inhuman traffic. Here Burke is scarcely fair to the British. In the Northern States, no doubt, there was already a strong feeling against slavery, and by 1784 slavery was practically at an end in New England, but the "mutual pledge" of the Congress against the importation of slaves into the Thirteen United Colonies after December 1st, 1774, is to be taken merely as a counter stroke to Lord Dunmore's offer of freedom to slaves who joined the British. Further, it may be noted that the anti-slavery clause in the draft of the Declaration of Independence was struck out, and when in 1783 peace was concluded and the British wished to take away and liberate the slaves who had joined them, they were prohibited from doing so. The British decision of Lord Chief Justice Mansfield in 1772 may also be recalled, viz. that a slave was free on English soil.

l. 23, Virginia and Carolina are mentioned because these were the chief slave states. Angola, i.e. Portuguese West Africa, and Guinea, i.e. the Gulf of Guinea, were slave-exporting regions.

l. 32, "Ye gods, annihilate but time and space . . . happy!" This piece of bombast is said to come from one of Dryden's plays. It figures in *The Memoirs of Martinus Scribblers*, 1741, written by Arbuthnot, Pope, and others to "ridicule false tastes in Learning"—Clarendon Press edition.

p. 33, l. 14, the irregular conduct of scattered individuals

... civil dissensions on great questions. It would have been more in accordance with the actual condition of affairs, had Burke said here: "There is actually wide-spread rebellion at this moment in America; it is too late for *Conciliation*; the time for argument and discussion of legality is past. The only alternatives are to fight, or to recognise the virtual independence of the Colonies?" The actual existence of rebellion while Burke was speaking, the letters on the table from the various Colonial governors make manifest, although the opposing forces had not yet met. General Gage, Governor of Massachusetts, for example, writes, September 20th, 1774, "The people of Massachusetts, Connecticut and Rhode Island are exercising in arms and getting magazines of arms and ammunition in the country and threaten to attack the troops in Boston." Another governor reports that on December 14th, 1774, 400 men took possession of the Castle of William and Mary at Portsmouth, New Hampshire, and carried off 100 barrels of gunpowder. Looking back to this time and to the policy advocated in this very speech, Burke says more plainly and more truly (*Letter to the Sheriffs of Bristol*, 1777), "This mode of yielding would, it is said, give way to independency, without a war . . . I confess that I should prefer independency without war to independency with it."

l. 10, pedantic, bookish, literal. In the *Letter to the Sheriffs of Bristol* Burke says: "Lawyers . . . cannot make the distinction for which I contend; because they have their strict rule to go by. But legislators ought to do what lawyers cannot."

l. 20, I do not know . . . an indictment against a whole people. An echo of the legal maxim, *Quicquid multis peccatur inultum*, a universal offence should not be punished. The maxim holds in the law-courts, but its applicability to a revolted province, like Massachusetts, is questionable. Burke quotes the maxim in the *French Revolution*, and without quoting, expounds it at the beginning of his *Present Discontents*. Cf. Froude, *Ireland since the Union*. "An entire population, even of Celts, does not mutiny without some provocation."

l. 28, Sir Edward Coke insulted . . . Raleigh at the bar. In 1603 Coke, afterwards Chief Justice of the King's Bench, then Attorney-General, conducted the case against Raleigh for participation in the Main plot against James I. Specimens of his language to the accused are calling him "a monster with an English face and a Spanish heart," and again abusing him, "I thou thee, thou traitor, and I will prove thee the rankest traitor in all England." Burke's spelling is *Rawleigh*.

l. 28, the very same title, viz. popular election.

p. 34, l. 12, *ex vi termini*, by the very meaning of the term (privilege)—because it suggests a limit to the privilege.

p. 35, l. 9, no rights . . . which were not the most odious of all wrongs. Burke is echoing the legal maxim, "*Suum ius, summa injuria*": Entire legality may be gross injustice, what the law may allow may be more than one should take. In

his speech on *American Taxation*, 1774, Burke had already elaborated this idea of "the odious . . . *summun jura*." He there acknowledges that the American distinction between "external duties" that the British could impose, and "internal duties" which they could not, was "as nothing with regard to right," but matters might be "pushed with too much logic and too little sense."

l. 24, those very persons, the majorities in the two Houses of Parliament, who on February 9th had presented a joint address to the king in which they spoke of "a rebellion actually existing" in the province of the Massachusetts Bay. Burke's party spoke of this address as "a declaration of war," and it is the use of arms to crush the Americans that Burke refers to here.

l. 27, addressed to have traitors brought hither, presented an address to the king asking that the Massachusetts rebels be brought to England for trial. In February, 1769, after the disturbances upon the passing of the Revenue Act, 1767, the House of Commons presented this address to the king, on the ground that no political offender would be convicted in the Colonies. For the title and date of this Act of Henry VIII, see p. 79.

l. 32, modes of public coercion, e.g. the blockading of the port of Boston.

p. 33, l. 2, juridical ideas, ideas connected with a legal prosecution. Burke here sums up the argument regarding the second mode of dealing with the spirit of liberty, viz. to prosecute its overt acts as criminal. He has shown that the British Government has treated them not as criminal acts to be tried in a law-court, but as the acts of a belligerent enemy. For the British men-of-war had been sent to blockade Boston.

l. 7, penal laws . . . which, for the time, have been severe, etc. Five penal laws had been passed in 1774 for (1) the blockading of Boston, (2) the changing of the trial of British officers, charged with offences in the execution of their duty, from America to England, (3) the changing of the Constitution of Massachusetts, (4) the quartering of British troops in America, (5) the extension of the province of Quebec so as to include the backlands of the Atlantic coast colonies. *For the time*=considering our humane age. Of the severity of the first measure, afterward extended to nearly all the Colonies, Burke wrote, "We talk of starving hundreds of thousands of people with far greater ease and mirth than of the regulations of a turnpike."

l. 28, the characteristic mark . . . of British freedom: see note to p. 19, "the Colonies draw from you."

p. 37, l. 5, the right of taxation. Burke has already let fall his opinion that Britain did possess the right. See note to p. 17, "You impair," and to p. 25, "however lawful."

l. 5, startle, start. The two verbs are interchangeable in Shakespeare and Addison, although *startle* is now generally intransitive.

l. 24, the great Serbonian bog, etc., from *Paradise Lost*.

II. 592. The "Serbonian bog" was the shallow Lake Serbonis or Baudoin, east of Damietta (Milton's *Damietta*), now dried up. "Mount Casius" is only a sandhill. The only army known to have been lost there was an invading body of Persians. We can appreciate Burke's figure when we recall the modern colloquialism "to be bogged," i.e. to be utterly confused in the attempt to explain a difficult matter.

I. 30. It is not what a lawyer tells me I may do, etc. This whole passage is an excellent illustration of the article in Burke's political creed that political conduct can never be justified by mere legality; common sense, humanity and equity must likewise approve. This passage is quoted by Morley, *Burke in English Men of Letters*, p. 84, as a *locus classicus* on this political doctrine. See note to "You impair," etc., p. 17.

p. 38, l. 2, evidence-room, room for preserving title-deeds, etc., charter-chest. An obsolete sense of *evidence* is title-deed, i.e. evidence of ownership.

l. 9, unity of spirit by a diversity of operations, giving to all parts of the empire the British consciousness of freedom although embodied in diverse forms of government. The language used echoes I. *Corinthians* xii. 4, etc.

l. 20, to admit the people of our colonies into an interest in the constitution. These words, italicised by Burke, set forth his remedy for the American discontent. The remedy is only vaguely set forth as giving the American states, so far as possible, a British constitution. We shall see, pp. 50 and 73, that the simple meaning of Burke's words is—to recognise the Assembly of each Colony as a "House of Commons" for that Colony, i.e. as its sole taxing authority. Cf. p. 50, "taxation of America by grant and not by imposition." This was a tremendous innovation, and an impossible demand in the prevailing temper of the British people, but to Burke's credit be it said—That is the relationship of the Colonies to the Mother-country to-day.

l. 84, abatement, termination—obsolete in this sense except in legal phrases like "the abatement of a nuisance," "of a claim," etc.

p. 39, l. 8, something further necessary, viz. the explicit renunciation of the right to tax for revenue.

l. 9, we are too acute . . . too exquisite . . . the future, we over-reach ourselves with our clever reasoning . . . we are too sensitive about danger still distant. Taking these two statements as referring to the same thing, they evidently mean that many in Britain argued—If we give up the right to tax America for revenue, they will very soon object likewise to British *Trade Regulations* and *Taxes*, i.e. to the Navigation Acts.

l. 16, the trade laws, the Navigation Acts. These Acts restricted the trade of the Colonies in various ways for the benefit of the Mother-country. Colonies had hitherto been regarded as outlying estates or appanages of the Mother-country. The trade of the Colonies with other countries had to be carried on in British (including Colonial) ships. Certain Colonial products could not be

exported except to Britain. The first Navigation Acts were passed in 1650 and 1651, with the intention of crippling our maritime rivals, the Dutch. By the treaty of Utrecht, 1713, a certain amount of Free Trade was permitted between Spain and Britain and their colonies. The Navigation Acts were made more stringent in some respects in 1732 and 1733, although Walpole's government also winked at the wholesale evasion that went on. The Americans drew a distinction between such Acts for the Regulation of Trade in favour of Britain and the three later Acts, the Stamp Act of 1765, the Revenue Act of 1767, and the Tea Act of 1770, which professedly were to "levy taxes" in America and "raise a revenue" in America. The former Acts they professed to acquiesce in, the latter they resisted fiercely, as encroaching upon their internal self-government. Whether there was any essential difference is debatable, and the Americans' loyalty to the Navigation Acts was not generally credited. Dean Tucker, *Letter to Burke in reply to Burke's Conciliation*, says, "You well know (though you will not own it) it has ever been their aim either to undermine or overturn our laws for the regulation of their trade."

l. 21, gentleman of real moderation, a Mr. Rice, M.P. for Carmarthenshire, who during the sixties had been one of the "Lord Commissioners of Foreign Plantations."

p. 40, l. 2, A commercial preference, a preference on commercial grounds, i.e. the Americans engage in trade with Britain because of the profit it brings to themselves.

l. 4, Strong internal circumstances, viz. the "temper and character" of the Americans and the six causes of their "fierce spirit of liberty." (See pp. 18, 24.)

l. 12, the sleeping trade-laws, etc., the Navigation Acts already acknowledged to be "useless and of no advantage" to Britain. (See note to p. 39, l. 16.)

l. 18, its members, its component parts. *Members* is the old grammatical term for the two or more sentences forming a compound sentence.

l. 22, the pamphlet, viz. one by Dean Tucker. (See notes to "Dean Tucker," pp. 5, 28.)

p. 41, l. 30, to make a rule for itself, to call for exceptional treatment, i.e. to call for the employment of force instead of "conciliatory conduct."

p. 42, l. 1, divinations, ignorant prophecies.

l. 8, a conciliatory concession. Burke is now to set forth his plan for "admitting the people of the Colonies into an interest in the Constitution." In the preceding sentences he has unjustly ignored the many concessions already granted to the Colonies e.g. the winking at breaches of the Navigation Acts, repeal of the Stamp Act, partial repeal of the Revenue Act and of the Tea Duty, and finally, Lord North's conditional offer to give up Britain's claim to tax the Colonies.

l. 10, total renunciation of every speculation of my own. Although Burke called himself a Whig, and later, an "Old Whig,"

his heart was profoundly Conservative and the whole of this sentence is noteworthy as a clear statement of the Conservative frame of mind. Here are manifest the Conservative reverence for precedents and for continuity and the Conservative distrust of unproved and ill-considered political experiments. In his *French Revolution* Burke lays down his "standard of a Statesman" as "a disposition to preserve and an ability to improve, taken together." "Speculation"—view, reflection. This was the *Spectator's* word, we may recall, for his half-serious essays.

1. 17, Kings of Spain of the Austrian family, that is from Charles V. (Charles I. of Spain, 1516) to Charles II., died 1700.

1. 21, consult the genius of Philip the Second, he guided by the spirit or policy of, etc. The policy of Philip II., 1556-1598, is now condemned by historians as having been ruinous to Spain. We Britons associate him with his marriage with Mary of England, the Revolt of the Netherlands, and the defeat of the Armada, but also with his great naval victory over the Turks at Lepanto, 1572.

1. 30, Ireland before the English Conquest, i.e. before the conquest by Henry II. in 1172. Before this, Ireland certainly had no parliament, for she had no strong central government, although there was a nominal monarch among the contending Irish chiefs.

p. 43, 1. 5, feudal baronage, etc. The modern historian says that Henry II. having failed to reduce Ireland had no alternative but to recognise Irish chiefs and Anglo-Norman nobles and other invaders as nominally vassal rulers. But for the country round Dublin, "the English pale," a vice-regal governor and something like a Great Council or primitive parliament were set up and Anglo-Norman law courts created.

1. 9, a House of Commons. Modern writers on Constitutional History would not say that Magna Carta gave us a House of Commons. Magna Carta did, however, limit the King's power of taxation. (See note to p. 19, l. 6.)

1. 10, charlishly, ungraciously, grudgingly.

1. 12, English liberties, English political privileges. In the next sentence, "Your standard," etc., it must be said that Burke puts cause in place of effect.

1. 17, Sir John Davis, a poet and statesman of the time of Queen Elizabeth and King James. He sat in the Irish Parliament, and in 1612 was appointed Speaker. In the same year appeared his pamphlet, that Burke refers to, "The True Causes why Ireland was never subdued until the beginning of His Majesty's happy Reign." Sir John Davis took an important part in the Plantation of Ulster. At this time, certainly, as Burke indicates, English law was extended to every part of Ireland, superseding the old Irish laws, also King James likewise created forty boroughs out of "beggary hamlets" in order to pack the Irish House of Commons with crown nominees and Anglo-Irishmen. See *Ireland* in Cambridge Historical Series.

1. 21, a military government Queen Elizabeth. This refers to the conquest and repression of Ireland by Elizabeth's generals, especially Lord Mountjoy.

1. 23, civility, social manners.

1. 28, You changed the people religion. Burke refers first to the Plantation of Ulster, proceeding at that time, and to the settlements by Cromwell, and secondly to the effect of the establishment of the English Church in Ireland by James I. and the proscribing of Roman Catholicism by Cromwell.

1. 34, by usurpation, by the usurper Cromwell. In his *French Revolution* Burke speaks of Cromwell as one of "the great bad men," "usurping power," etc. That was, of course, the common verdict on Cromwell after the Restoration, but, strange to say, was also a common opinion in the eighteenth century, even among Whigs like Burke, who spoke of "the glorious Revolution of 1688."

p. 43, l. 7, on the hinge of great revolutions, at great turning-points or crises in History. Burke refers to the treatment of Ireland after the conquests by Strafford, Cromwell and William III.

1. 14, lucrative, insufficient—irony. Burke must refer to the common refusal to pay the taxes imposed by Cromwell when the *Instrument of Government* had not been recognised by Parliament.

1. 15, stated and fixed rule of supply, amounts regularly voted by Parliament. "Supply" is used in the special Parliamentary sense of a sum voted for any purpose by a representative House of Commons.

1. 23, Henry the Third. This reduction of Wales was only temporary.

1. 24, Edward the First conquered Wales in 1282, when Llewellyn, the last ruler of any independent portion of Wales, was killed.

1. 29, lords marchers. As portion after portion of Wales had been conquered by England in the twelfth and thirteenth centuries, it was left under the government of English noblemen living in or near the conquered districts. These were called "lords marchers," i.e. rulers of the marches or border-districts. Etymologically, the title *Marquis* has the same meaning as *lord marcher*.

1. 33, commander-in-chief. In the early stages of government in British Colonies, the commander-in-chief, or military head, is always likewise the governor or civil head. Thus in Massachusetts, General Gage at this time was both governor of Massachusetts and commander-in-chief of all the colonies.

1. 34, as secondary, as a second or lesser office. Historically, of course, his rule was first that of force, and, only subsequently, the rule of law.

p. 43, l. 14, disarm New England by an instruction. This was not one of the five "Penal Acts" (see notes to pp. 29, 1); in addition to these Acts, royal instructions were sent direct from the

British Cabinet to the Colonial governors. For attempted disarming of the New Englanders in February of this same year, see Ludlow, *American Independence*, p. 89.

1. 90, rid this kingdom like an incubus, was a constant dread to England: *rid*=rode; *incubus*=a nightmare.

p. 46, l. 4, ill husbandry of injustice, wastefulness of injustice, i.e. the poor revenue obtained by a tyranny as compared with the abundant revenue obtained by an elected representative government. In the speech on *American Taxation*, Burke has already declared "Tyranny is a poor provider."

1. 7, laws made against a whole nation. Burke believed that such laws were necessarily unjust; see note to p. 38, "an indictment against a whole people."

1. 18, the grant of their own property: see note to "granting," p. 19, l. 19.

1. 25, the day-star, etc.—a quotation from II. *Peter* i. 19. The day-star is the morning star which heralds the new day. In the New Testament it is the coming of Christ's kingdom.

1. 28, Simul alba, etc.—Horace, *Odes* I. xii. 27.—As soon as the bright star (of Castor and Pollux) has shone out again for the sailors, the broken water falls back from the rocks, the winds lull, the clouds disperse, and the threatening wave subsides in the sea, for so these gods have willed it.

1. 84, The very same year, 1543.

1. 84, the county palatine of Chester. A county palatine was a district under a count palatine or count belonging to the royal palace; *palatine*=belonging to the palace. As the king's representative, the count palatine had at first absolute authority and law-courts of his own. The king himself being count or earl palatine of Chester, ruled the county as a separate domain. Durham was another county palatine.

p. 47, l. 11, your Grace. Formerly kings were so addressed, although only archbishops and dukes are now styled "Your Grace."

1. 11, where, wherons.

1. 16, disinheritances, disinheritances—an old French abbreviation of the Latin dis-hereditation.

1. 25, knights and burgesses, county M.P.'s and borough M.P.'s. County M.P.'s were called Knights of the Shire; "burgesses" is for *electoral representative burgesses* or citizens.

1. 27, ne, nor.

1. 29, grieved, burdened with grievances; "touched and grieved" is a common parliamentary phrase.

1. 84, bounden, obedient, dutiful.

p. 48, l. 5, burn it . . . hangman. This was one of the ways of dealing with any book or paper condemned by Parliament. Only twelve years before, in 1763, Parliament declared John Wilkes's paper, "The North Briton, xlv," to be a "false, scandalous and seditious libel," and condemned it to be "burnt by the hands of the common hangman."

l. 7, temperament, modification, toning down.

l. 23, doctrines of policy, political principles.

p. 49, l. 11, America is virtually represented. This was a common argument with advocates of the taxation of America. They meant that some merchants trading with America were M.P.'s, that Burke himself was the appointed Agent of the State of New York, and that several of the leading men in both Houses were champions of America. Such were Isaac Barré, John Wilkes, Charles James Fox, in the Commons; and Lord Chatham, Lord Shelburne and Lord Rockingham, in the Lords. Mr. Cruger, Burke's fellow M.P. for Bristol, was himself an American. This paragraph and the next deserve study as specimens of Burke's lighter style. Noteworthy features of the lighter style here are the pointed, triumphant, rhetorical question, the putting of objections into an opponent's mouth, the succession of short affirmative sentences, the inversions, and sentences exactly balanced.

l. 12, electric force, easily transmitted force—sarcasm.

l. 26, a great flood stops me. Burke has already said, p. 28, "Three thousand miles of ocean lie between you and them."

l. 27, *Opposuit natura*. Nature has interposed [obstacles]—Juvenal, *Satires* x. 152. The obstacles in *Juvenal* are the Alps and the snow blocking Hannibal's way into Italy.

l. 34, the arm of public benevolence is not shortened, our political good-will towards the Americans is not prevented from acting in other ways [although it is impossible for them to have members in the British parliament]. The phrase is from the Bible—*Isaiah* lix. 1.

p. 50, l. 5, What substitute? Burke is unfolding his plan of Conciliation step by step. It was first, p. 38, "to admit the people of our colonies into an interest in the constitution"; then it was, pp. 42-49, to tax the people of the colonies only in a British parliament in which they themselves had representatives; thirdly, that being impossible, the plan is to recognise the Colonial parliaments as the only bodies entitled to tax the colonists.

l. 6, ways and means. This is a regular parliamentary phrase for "Supply" or the imposition of a tax to provide money for any purpose. Burke uses the phrase playfully, and is punning in the word "tax" in the next line.

l. 9, imaginary commonwealths. Plato, the Athenian philosopher in the fourth century B.C.; Sir Thomas Moore published his *Utopia* during the Revival of Learning in 1516; Harrington published his *Oceana* during the Commonwealth in 1656.

l. 12, and the rude swain, etc.—from Milton, *Comus*, 633, "And the dull swain," etc.; "clouted shoon"—clumsily patched shoes. The appropriateness of Burke's quotations and literary echoes is marvellous. That which grew freely at the swain's feet, in *Comus*, was the herb that could cure all evils; and Burke's plan

of Conciliation, viz. taxation by elected representatives only, was to cure all the American discontent.

l. 14, for the theory, for your general plan. (See "the practice" below.)

l. 20, the year 1763, the year before the American Import Duties Act was passed. It declared that it was "just and necessary that a revenue be raised . . . in America for defraying the expenses of defending . . . the same."

l. 23, by grant and not by imposition, by the vote of their own elected representative Houses, and not by the laying on of taxes by an outside body. (See note to "granting," p. 19, l. 19.)

l. 27, experience has shown the benefit of their grants. The truth of this statement was not generally accepted, and Burke weakened his proposal by this addition.

p. 51, l. 1, temple of British concord. The Romans had a temple of the goddess Concord in which the Senate often used to meet, so that the allusion is doubly appropriate.

l. 14, plantations, settlements, the initial stages of fully organised colonies—obsolete sense. Bacon, *Essay* xxix., speaks of "plantation of colonies."

l. 24, The second is like unto the first—an echo of the words of the New Testament, *Matthew* xxii. 37.

p. 52, l. 7, Non meus hic, etc. This discourse is not mine; it is what I have learned from Ofellus, a rustic, a sage, though bred in no philosophical school—Horace, *Satires* II. ii. 1. The idea is the same as in the quotation from *Comus* that "taxation by representatives" is a natural British principle.

l. 22, not to be wise beyond what was written . . . the form of sound words. Burke is again echoing the Bible—*Romans* xii. 16, "Be not wise in your own conceits"; *I. Corinthians* iv. 6, "Not to think . . . above that which is written"; *II. Timothy* i. 13, "Hold fast the form of sound words." Burke's conservative instinct reveres the letter of the old law as if it were Holy Scripture itself. Compare p. 20, "the mysterious virtue of wax and parchment."

p. 53, l. 10, the regulating duties of the sixth of George II., the Navigation Act of 1723—"an Act for the better securing of the trade of his Majesty's sugar colonies in America." In this Act Britain imposed heavy duties on certain foreign imports into the American Colonies, thus compromising with the extensive smuggling in of these articles from the French West Indian Colonies. Although according to the title of the Act, the duties were imposed "merely as a regulation of trade," Burke notes that this Navigation Act contains for the first time the words "give and grant," which were the mark of "a taxation or parliamentary revenue Act." Consequently it marked the first departure from the policy of the Navigation Acts, which was to secure not a revenue, but only a commercial monopoly for Great Britain.

l. 20, the Stamp Act, passed in March, 1765, when George Grenville was Prime Minister and Chancellor of the Exchequer—

repealed in 1766. It required all American documents thereafter to be stamped, i.e. to pay a tax of varying value from a halfpenny to twelve pounds. All the Colonial Assemblies carried resolutions asserting their rights, and denying the authority of the British Parliament thus to tax them. The Colonies reckoned this as the first Colonial Revenue Act.

1. 22, the duties of 1767. The second (or third) *professedly* Revenue Act was the Revenue Act of 1767—Townshend's Act. It imposed duties in America upon six imports, viz. glass, paper, tea, etc.—the sums raised to be expended on the administration of justice and the support of the Civil Government in America. In 1770 the duty on all the articles except tea was repealed, and that on tea reduced to only threepence per pound.

1. 23, Lord Hillsborough, who had been the first separate "Secretary of State for the Colonies" in 1768. He was a strong advocate of the coercion of the Colonists, and was regarded as little more than the mouthpiece of Mr. Bernard, Governor of Massachusetts. He resigned in 1772.

1. 28, Resolution of the noble lord, i.e. Lord North's plan of Conciliation. (See note to p. 6, l. 16.)

p. 54, l. 18, "an aid to his Majesty." This is another of the parliamentary expressions distinctive of an Act that provides funds for some Government purposes. (See notes to "granting," p. 19, and to "ways and means," p. 50, and to "supply," p. 50.)

1. 20, passed the public offices, been approved by the Government offices in Great Britain as valid acts. (See note to "their governments," p. 20, l. 15.)

1. 82, impeachable offences . . . solicitors general! This is Burke's *reductio ad absurdum* of the argument that the Colonial Assemblies could not "grant aids" to the Crown. If that were so, all the British Ministers, e.g. Grenville, and Crown law-officers, who had approved the Colonial Acts should be impeached. "Attornies," i.e. attornies-general, or, as in modern English, *Attorney-Generals*.

p. 55, l. 13, Indian wars, the wars with the American-Indians.

l. 14, foreign ones, e.g. the fighting between the French and British Colonies in America during the war between William III. and Louis XIV., and during the war of the Spanish Succession as referred to below. The fighting during the war of the Austrian Succession and the Seven Years' War is referred to in later paragraphs.

1. 17, the journals, i.e. the journals or official records of the House of Commons.

1. 28, Cape Breton. The island had been taken from the French in 1745; it was restored by the treaty of Aix-la-Chapelle, 1748, and finally was recaptured in 1758.

p. 57, l. 3, mortal to all the miserable stories, a complete answer to, etc. In spite of these acknowledgments by Parliament of American contributions towards the expenses of the Indian and French wars, it was universally felt that the Colonies did not bear their full share of the expense, while they were reaping most of the

benefit. See Dean Tucker's letter to Burke in reply to Burke's *Conciliation*, in which among other things he shows how some Colonies bitterly complained of the selfishness and indifference of other Colonies in that very respect of contributing to the cost of Indian wars.

1. 4, the misguided people have been engaged in, etc., the ill-informed people of Great Britain have been enlisted in favour of.

1. 26, requisitions, a demand by an army or other authority that supplies be provided for the war—special sense of the word. In the case of America a general requisition usually took the form of "a circular letter from the Secretary of State reciting the occasion and recommending it to the Colonies to grant such aids as became their loyalty, and were suitable to their abilities."—Franklin's "Evidence re The Stamp Act."

1. 27, our tone became too high, we became too haughty, i.e. laws were passed compelling the Americans to contribute.

1. 30, sense, opinion.

p. 58, l. 35, I have drawn the following resolution, I have drawn up, etc.

p. 59, l. 4, intitled, the older form of *entitled*, which is still used of Acts of Parliament. The Acts here enumerated, viz. the Revenue Act of 1767, the Boston Port Act of 1774, the Act for changing the place of trial, 1774, the Massachusetts Constitution Act, 1774, and the Henry VIII. Act, 1544, are explained in notes to pp. 53, 1. 36, 35, also pp. 78-9 of the text.

1. 6, a drawback, a repayment.

p. 60, l. 8, partial principles, prejudiced considerations.

1. 6, the restraining bill of the present session, the Boston Port Bill of 1775—not the Boston Port Act of 1774. (See note to p. 1.)

1. 28, to change the sheriff. The Massachusetts Constitution Act took away from the Assembly the right to appoint or dismiss sheriffs and all legal officers, and vested the right in the governor. The idea was that sheriffs appointed by the Council would not do justice to unpopular British officials.

1. 29, a new returning officer for every special cause, a new person to declare for every special trial who should serve as jurymen. That was one of the duties of a sheriff.

1. 32, persons accused of committing murder, e.g. soldiers who in quelling a riot might have shot down any colonists and were being prosecuted in colonial courts.

p. 61, l. 17, a settled salary . . . chief justice and other judges of the superior court. Hitherto the Upper Houses in the Colonial governments had acted as the superior courts of justice; the members of these Upper Houses had been nominated and were removable by the Crown; this resolution of Burke's was to set up an independent and properly salaried superior court.

1. 32, the Courts of Admiralty. These courts had been set up by the Regulation of Trade Act, 1764, to try breaches of these

Trade or Navigation Acts, i.e. to try American smugglers. As Burke indicates, the members of these Courts received a portion of the fines imposed by themselves, thus tempting them to severity. Burke desired that independently paid and conveniently situated courts should be set up.

p. 62, l. 12, The Congress. (See note to p. 23, l. 32.)

l. 27, the grievance from a want of representation . . . goes to the whole of legislation. Burke perceives that he has proved too much. If the colonies were entitled to independence with regard to taxation, they were equally entitled to independence in legislation. Burke's mind had not travelled so far as that, although that twofold virtual independence is the position of the self-governing British Colonies to-day. Burke calls it a "false and inconclusive inference."

p. 63, l. 10, Mr. Grenville, Prime Minister, 1763-5, author of the Trade Regulation Act, 1764, and Stamp Act, 1765. He had referred to the Chester Act to prove that Parliament *could* tax America although unrepresented in Parliament. (See notes to p. 58.)

l. 13, Lord Chatham. His view was that the Chester and Durham Acts were a virtual declaration by Parliament that taxation implied representation.

l. 26, de jure, or de facto, legally or merely as a matter of fact.

p. 64, l. 4, any speculative principle, any abstract theory. Burke, as the apostle of common-sense and practical compromise, says that in actual life we never carry out our theories to their fullest extent, e.g. we call ourselves free men, yet submit to many restrictions in order that we may be able to live with others in a community. On p. 25, Burke condemned both British and Americans for pushing "every principle of authority and resistance" as far as it would go.

l. 6, logical illation, logical inference.

l. 12, All government . . . is founded on compromise and barter,—a noteworthy political maxim. Burke was a practical, not a merely theoretical politician. We recall his other maxim, "It is no inconsiderable part of political wisdom to know how much of an evil ought to be tolerated."—*Present Discontents*.

l. 22, the purchase paid, the price paid—obsolete eighteenth century sense of *purchase*.

l. 23, the immediate jewel of his soul, the ornament nearest and dearest to his heart.—*Othello* III. iii. 156. In *Othello* the jewel is a man's good name: in the case of the Americans it is their liberty. To ask them to sacrifice their liberty, says Burke, is asking too much even for the privilege of being slaves within the great British Empire.

p. 65, l. 3, the cords of man, the things that restrain a man or the motives that impel him. The words are from the Bible, *Heb* xi. 4.

l. 5, metaphysical speculations, philosophical or abstract ideas. Burke is never tired condemning mere political theories and

those who would act upon them. See note to p. 4, "paper government." "Metaphysical," "geometrical," "philosophical," "speculative" reasoning in practical politics is hateful to Burke. We recall from *American taxation*, "I do not enter into these metaphysical distinctions. I hate the very sound of them"; from *French Revolution*, "Metaphysically true, they are morally and politically false"; from *Conciliation*, below, "Delusive geometrical accuracy in moral arguments"; from *Present Discontents*, "No lines can be laid down for civil or political wisdom. They are a matter incapable of exact definition," etc.

l. 5, Aristotle. The Greek philosopher of the fourth century, B.C., in his *Ethics* i. 4.

l. 8, delusive geometrical accuracy in moral arguments, conclusions in moral reasoning that are misleading because as positive as those in geometry. Burke uses *moral*, as on pp. 23, 32, and often, = pertaining to the characters and habits of men. For the idea, compare "The lines of morality are not like ideal lines of mathematics; they are broad and deep as well as long; they admit exceptions."—*Appeal from the New to the Old Whigs*.

l. 33, Ireland . . . a separate, but not an independent legislature. Burke's illustration is an unfortunate one, for only seven years after, in 1782, Britain had to give Ireland a practically independent Parliament and then in 1800 had to abolish this independent legislature and bring Irish M.P.'s over to the British Parliament in London.

p. 68, l. 15, the noble lord on the floor, Lord North. His proposition, viz. his plan of *Conciliation*, is given in note to p. 6.

l. 26, a ransom by auction, Lord North's scheme whereby the Colonies would bid against each other in purchasing independence in taxation from Britain: see notes to p. 6.

l. 31, Experimentum in corpore vili, an experiment should be tried on a worthless object.

p. 67, l. 13, come in by the back-door of the constitution, must be fixed in some unconstitutional way. According to the existing Constitution, the Chancellor of the Exchequer, as representing the ministry, proposes in the House of Commons that certain taxes be imposed, and his proposals are debated on and approved or disapproved. When engaged in this duty, the House of Commons is said to sit as a "Committee of Ways and Means" or as a "Committee of Supply." Burke means that this Colonial taxation would really be decided not in the House of Commons but after private discussion between the Secretary for the Colonies and the Agent of each Colony.

l. 14, ready formed, already decided.

l. 21, Provincial Ways and Means, Colonial, etc.: see note above. Burke, with all his political prescience, could not be expected to foresee Mr. Chamberlain's plan of Conferences of Imperial and Colonial representatives in which such questions of Colonial contributions could be discussed and virtually decided.

p. 68, l. 19, the outcry, the auction. The word *outcry* in this

sense had already become provincial, and implies contempt on the part of Burke.

l. 23, *composition*, payment of their proportion. A *composition* in this sense is the percentage of his debt that a bankrupt offers to his creditors in place of payment in full. The creditor, or debtor, is said to *compound with the other*, or to *compound the debt*, etc.

l. 35, *tobacco*, one of the great articles of trade between the Colonies and British Western ports like Bristol and Glasgow: see note to p. 9. If Britain were to impose export duties at the Virginian ports she would either raise the price of tobacco or lessen the quantity of tobacco exported from Virginia into Britain. The British import duty would be lessened in the latter case; the profit on the manufacture of Virginian tobacco in Britain would be lessened in the former case.

p. 69, l. 11, *implicated in one another*, dovetailed—a clumsy expression. Burke means that, from a colony exempt from taxation, it would be easy to carry goods into another upon which Britain had imposed a tax, and *vice versa*.

l. 24, *contingent*, proportional contribution—particularly now, a body of soldiers that is to form part of a larger force. The adjective *contingent* in its ordinary sense occurs lower in the page.

l. 32, a *Treasury extent*; an extent is a technical legal term for a writ to recover certain debts due to the Crown by imprisoning and seizing the debtor's lands and goods. The Treasury is His Majesty's Treasury, here supposed the creditor. Burke casts ridicule on the proposal of Lord North by suggesting that a delinquent colony might be sold up.

p. 70, l. 6, *the empire of Germany*. Burke must be thinking of the feeble resistance offered by Austria and the Empire to Frederick the Great in the Seven Years' War.

l. 33, *gratuitous*, voluntary, a free gift. Britain was gratuitously to surrender the right of taxing the colonies.

l. 35, *tired you by a long discourse*. Burke's speech occupied three hours in delivery.

p. 71, l. 11, *the destruction of this empire*. It was the universal belief that the loss of the Colonies would mean the ruin of Britain. After the French joined the Colonists and success appeared doubtful great gloom prevailed in England, as Wesley in his *Diary* repeatedly records. "The loss of America is the ruin of England."—Cowper, 1782. Chatham wrote in a similar strain in 1774.

l. 18, *Refusal*; the first of all revenues—another version of the idea, already expressed more than once, that "a revenue by grant" is more productive than "a revenue by imposition," that the right to refuse creates a willingness to bestow. Compare, "Tyranny is a poor provider."—*American Taxation*. Tucker, in his reply to Burke's *Conciliation*, denies the truth of Burke's principle, pointing out how the Colonies not immediately exposed to Indian attacks did not assist the other Colonies and Britain in the Indian wars, even when they had been requisitioned for aid.

l. 26, *Posita luditur area*, the game is played with the money-box itself as a stake.—Juvenal, *Satires* l. 90.

l. 30, accumulated a debt of near 140 millions, made the credit of Britain so good that her Public Debt amounts to nearly, etc. The meaning is, that people will not lend money to a country whose taxation will not raise sufficient to pay the interest on the loan or repay the capital. How much stronger might this strong argument have been made could Burke have foreseen the Public Debt standing at 861 millions in 1815.

p. 72, l. 16, *politic machinery*, political arrangements—here, methods of taxation. The figure in "squeezed," "straining," "machinery," is taken from the pressing of grapes.

l. 19, *reciprocal necessities*, dependence on each other.

l. 21, him that holds the balance of the state, the one who can raise or depress either side at his pleasure. Burke imagines that the rival parties in American politics would be computing for the favour of the Home Government and would be dependent on the Home Government for the success of their proposals. That is an extremely fanciful picture. In the state of feeling then prevailing, the greater likelihood would be that both American parties would compete for American favour by reducing the contributions to Britain. After the peace of Paris, 1763, the fear of foreign foes in America was gone, and in 1766 Benjamin Franklin told a Parliamentary Committee that for their domestic needs America could be independent of Great Britain in three years if she pleased. So America no longer needed to court Britain's favour.

l. 22, government keeps the table . . . winner in the end. The American political parties are compared to gamblers staking their money at a gambling table kept by the British Government. Whether the gamblers win or lose, the keeper of the table always wins in the end; for when the gambler wins, the keeper retains a small percentage, and the gambler will lose as often as he wins. Burke lived in great card-playing, betting and horse-racing days, Lord Rockingham himself being notorious for his bets; such frequent references to gambling are therefore not surprising.

l. 29, "Ease would retract," etc., should be "Ease would recant," etc.—Milton, *Paradise Lost* IV. 96. That is Satan's reflection after his misery has driven him to think of feigning submission to God and thus getting back to bliss.

l. 31, *compounding our demands*. (See note to p. 68, "composition.")

l. 34, *so may I speed . . . as I*, etc.—may I prosper only in the measure in which I, etc.—an old form of asseveration.

p. 73, l. 3, a sum certain, a fixed amount. We have an illustration of Burke's assertion in the "Permanent Settlement" of the Land Revenue of Bengal in 1793. The value of the land has risen greatly since 1793, yet the rent paid to Government as

supreme landlord has remained the same, to Government's great loss.

1. 5, a revenue from America transmitted hither. Modern readers might suppose that Britain had imported revenue from America. That was not the case. The money gained from the Stamp Act was all to be laid out in America. Similarly with the Revenue Act of 1767 and the Tea Act of 1770. "There is not a fragment of evidence that any English statesman, or any class of the English people, desired to raise anything by direct taxation from the Colonies for purposes that were purely English. They asked them to contribute to the support of the navy which protected their coast, nothing to the interest of the English debt." —*Lecky, Eighteenth Century*, chap. xii.

1. 9, attempted to extract revenue from Bengal. In 1767 the East India Company had undertaken to pay into the British Exchequer £400,000 a year. But in 1770 the resources of India failed owing to a terrible famine. In 1772 the Company declared a deficiency of over one million pounds sterling and had to borrow largely from the Bank of England. The Company asked Parliament for aid, and by the Act of 1773 £1,400,000 was lent by Britain to the Company and the Company's payments to the Exchequer were postponed till the loan should be paid up.

1. 15, America has none of these aptitudes (for producing and transmitting wealth). Burke could not foresee that in less than 150 years, the United States would be the greatest trading nation in the world.

1. 24, reserved to a war, a special source of revenue to be drawn upon only during a war.

1. 30, her interest in the British constitution: see note to p. 98. Burke is now summing up and so returns to this general statement of his *plan of Conciliation*.

p. 74, 1. 2, grapple to you, lay firm hold on you. This intransitive use of *grapple* is practically obsolete except in connection with wrestling or attacking a difficulty.

1. 11, the sanctuary of liberty, the protector of their political liberty. "Sanctuary" is used in the special sense of a place where debtors or other persons threatened with arrest or violence found safe refuge.

1. 12, our common faith, the devotion to Liberty professed alike on both sides of the Atlantic.

1. 12, the chosen race, the British people whom God has highly favoured. The expression is a common religious one for the Jewish people, e.g. "Ye seed of Israel's chosen race," in hymn written 1780.

1. 18, Spain. The King of Spain at this time was Charles III., who was bent on making the royal authority absolute, and to that end was endeavouring to deprive the nobles and the Church of all their privileges.

1. 19, Prussia. The King of Prussia was Frederick the Great, who had established a very centralised administration in Prussia.

l. 22, commodity of price, commodity of value, commodity of great price.

l. 29, registers . . . affidavits, etc. These are expressions from the language of the Custom Houses which the working of the Navigation Acts required. Burke means to say that the strict working of the Navigation Acts is not what hinders the Colonies to England. A "register" is a document issued by the Custom House containing a description of a vessel, its name, country, ownership, etc., which must always be kept on board as evidence of its nationality: "bonds" were guarantees as to destination of cargo (?) which were exacted from every American merchant who exported lumber or iron. A "sufferance" = a permission: a *sufferance-wharf* was a wharf at which the Custom House officers attended. A "cocket" was a Custom House certificate to the effect that certain specified goods had paid the duty: the cocket was strictly the seal on the certificate. A "clearance" was a Custom House certificate that a ship had paid all the duties of the port where the certificate was granted.

For such small-minded ideas, Burke specially condemned Grenville, author of the Stamp Act and creator of the American trouble. Grenville believed "regulation to be commerce": "his idol" was "the Act of Navigation."—*American Taxation*.

l. 32, letters of office, official letters from the Secretary of State for the Colonies.

p. 75, l. 2, spirit of the English communion, the consciousness that they share the English freedom. "English Communion" = oneness with England.

l. 10, the land tax, the tax paid by landowners, which bulked more largely in the National Income in 1775 than it does now.

l. 12, the Mutiny Bill, the Mutiny Act—a famous constitutional Act, which regulated the number and the control and discipline of the army. It had to be passed annually because the Bill of Rights forbade the keeping up of an army in time of peace without consent of Parliament. It was superseded in 1879 by the Army Discipline and Regulation Act, and in 1881 by the Army Annual Act.

l. 22, profane herd . . . who have no place amongst us. Burke is echoing Horace, *Odes III. i. 1*, "*Odi profanum vulgus*," I hate the profane rabble. *Profane* (Latin, *pro fano*, outside the temple) = here, those uninitiated in the high principles of statesmanship. Burke is afraid of offending the M.P.'s listening to him, who are soon to vote for or against him, and so he adds, "who have no place amongst us." In actual reality, as Goldsmith said, Burke was "too deep for his hearers."

l. 32, Magnanimity in politics is not seldom the truest wisdom—another of Burke's political maxims: see note to "All government," etc., p. 64. Pettifoggers, over-regulators, thin mathematical minds, and minds that have no grand outlook are unfit to be directors of great states.

p. 76, l. 1, auspicate, auspiciously commence.

l. 3, *Sursum corda!* Lift up your hearts [to the Lord]. The Latin words occur in the service of the Mass in the Roman Catholic Church, with which Burke was familiar, although not a member of that church. The priest having uttered these words, the people reply, "*Habemus ad Dominum*," We have lifted them up to the Lord. (The expressions are translated in the English Church Communion Service.)

l. 15, *quod felix faustumque sit*, and may the undertaking be a successful and fortunate one. Cicero tells us that this was the prayer or formula with which the ancient Romans prefaced every undertaking. These were e.g. the opening words of the treaty between Rome and the Jewish people, B.C. 162—*Quod felix faustumque sit populo Romano et genti Judaeorum*. The aptness of Burke's literary references is very noteworthy. *

l. 16, *move you, move, propose*—older and fuller phrase.

l. 21, the previous question was put, it was proposed that no vote be taken either for or against Burke's motion. The "previous question" was originally the question *preliminary* to the taking of the vote on the debate; it was the question, "Shall the question now be put?" If a majority voted *No* to this previous question, the main question in debate was thus shelved without a vote.

IMPORTANT DATES AND EVENTS FOR THE STUDY OF BRITISH-AMERICAN AFFAIRS, 1763-1775.

1620. The "Pilgrim Fathers" land in Massachusetts from the *Mayflower* and found New England.
- 1650-1. The first Navigation Acts were passed with the intention of taking from the Dutch some of the sea-carrying trade. But the Navigation Acts also represented a theory of Colonies, viz. that the Mother-country should have a *monopoly of trade* with them. Later Navigation Acts were those of 1660, 1663, 1733, 1764. (See note to p. 39.)
1679. The General Court of Massachusetts (the Colony always the most jealous of its rights) declared "the Acts of Navigation an invasion of the rights and privileges of the Colony, since it was not represented in Parliament. . . . The laws of England do not reach America."
1713. The Peace of Utrecht. Britain obtains a monopoly of the very profitable trade of the importation of slaves into America. (Spanish America as well as British.)
1730. (Jan. 1.) Burke is born in Dublin.
1733. "Regulation of Trade" Act passed, imposing heavy duties on molasses and sugar imported into any British from any foreign colony. The aim of the Act was to benefit the British West Indian "sugar colonies," and to check the American smuggling in violation of the Navigation Acts. But from Burke's point of view it was noteworthy as the first American Act which contained the words "give and grant," a mark of a *Taxation or Parliamentary Revenue Act*. The words seemed to mark a departure from the original Colonial policy of Britain—the *monopoly of trade* policy and a movement in the direction of taxing the Colonies. (See note to p. 52.)
1743. Burke enters Trinity College, Dublin.
- 1744-8. During this war the impressment of sailors for the King's ships is resisted with violence at Boston.

1755. Outbreak of the "French and Indian War" in America, which merged in the Seven Years' War. The French were resolved to confine the British to the East of the Appalachian Mountains. The great Mississippi plain west of that was claimed by France. West of New France up to the Pacific, the country was claimed by Spain.
1756. Outbreak of the Seven Years' War.
- " Burke publishes *A Vindication of Natural Society*, also *The Origin of our Ideas of the Sublime and Beautiful*.
1757. Burke publishes *An Account of the European Settlements in America*.
1759. The capture of Quebec by Wolfe virtually decides the war in America in favour of Britain.
1760. George III. ascends the throne, a young man of twenty-two, wilful, untrained, and prejudiced, although his intentions were upright, and he spared himself no pains.
1761. (Oct.) Pitt is driven to resign his place in the Ministry.
1762. (May.) Newcastle, the Prime Minister, is driven to resign. Bute becomes Prime Minister. He establishes a paper, *The Briton*, to support his party and peace policy against Pitt. Smollett, the novelist and historian, is editor.
- " (June.) Wilkes and Churchill establish *The North Briton* in opposition to Bute's organ, *The Briton*. The title *The North Briton* is a personal hit at Bute the Scotchman.
1763. (Feb. 10.) The Peace of Paris is signed. France ceases to be a North American power. Great Britain obtains not only Canada, etc., on the north from France, but also Florida on the south from Spain, and, further, extends her territories westwards to the Mississippi. New France west of the Mississippi becomes Spanish. The two powers in North America were henceforth Great Britain and Spain, and that portion of the continent then considered of value was wholly British. The immense advantage of the Treaty to the British Colonists is manifest.
- " Grenville becomes Prime Minister owing to the unpopularity of Bute's Peace. Grenville also holds the office of Chancellor of the Exchequer. Before this, he had been First Lord of the Admiralty. The latter office had made him acquainted with the Colonies and the lax administration of the Navigation Acts: his new office made him eager for new sources of revenue, and particularly after the costly Seven Years' War.
- " (April 5.) Act of Parliament passed imposing new heavy duties on imports into America, with counterbalancing concessions. At the same time the Navigation Act was more rigidly enforced. This was the first Act which professed to raise a "revenue" and to "give and grant

an aid to His Majesty," although it was only after the Stamp Act that violent opposition broke out. The words "give and grant" had appeared in an Act for the Regulation of the Trade of the Colonies in 1733.

1764. The club meeting weekly at *The Turk's Head* is founded. Burke, Dr. Johnson, Goldsmith, and Sir Joshua Reynolds are among the original members.
- " (March.) The American Stamp Act was passed, George Grenville being Prime Minister and Chancellor of the Exchequer. All the Colonial Assemblies denied Britain's right thus to tax them without their consent. The Act required all documents to be stamped, i.e. to pay a tax of varying value. Americans called this "internal taxation."
- " The money so raised was all to be spent in America. The Stamp Act was expected to raise only about *one-third* of the cost of the army of 10,000 men which it was intended to station in America for its defence.
1765. The first *Quartering Act* (afterwards continued yearly) was passed, requiring the Colonies to provide the King's troops with barracks and certain stores. Massachusetts and New York Assemblies refuse, and in retaliation the British Government suspends the New York Constitution, i.e. its self-government, until the requirements of the troops should be satisfied.
- " (July.) Lord Rockingham succeeds Grenville as Prime Minister.
- " Burke becomes Private Secretary to Lord Rockingham.
- " (Dec.) Burke becomes M.P. for Wendover in Buckinghamshire.
1766. (Jan.) Burke makes his first speech in the House of Commons on the discontent in America caused by the Stamp Act.
- " (Feb. 21.) Repeal of the American Stamp Act by Lord Rockingham's ministry supported by Pitt. At the same time the Declaratory Act is passed asserting the right of the Crown, with the advice and consent of Parliament, to make law and bind the Colonies and people of America in all cases whatsoever.
- " (July.) Pitt's ministry succeeds Lord Rockingham's. At the same time Pitt becomes Earl of Chatham and loses his popularity. In Chatham's strangely "checkered and speckled" ministry, Lord North, afterwards George III.'s subservient Prime Minister, has a place.
- " (end of.) Owing to illness, Pitt practically retires from active political life, though he does not resign.

1767. (March.) The Duke of Grafton becomes nominal head of the Pitt Ministry, but the dominant personality in it is Charles Townshend ("the Wenthercock"), Chancellor of the Exchequer, and at this time an advocate of raising a revenue from America.

" (June.) The American Revenue Act (Townshend's) imposes duties payable in America on six articles, glass, paper, tea, etc.—the sums raised to be expended on the administration of justice and the support of the civil government in America. In this Act Townshend purposely limited the taxation to External Taxation or Port Duties to satisfy the Americans who had objected to the Stamp Act as Internal Taxation. But the Americans, led by Massachusetts and Boston, begin now to set themselves against all taxation by Britain.

" (Oct. 28.) The people of Boston meet and resolve, in anticipation of the Revenue Act duties, to boycott various articles of British production and manufacture.

1768. (Feb.) The Massachusetts Assembly send a circular letter to the other Colonies requesting them to join in some suitable measure of redress in regard to the Revenue Act.

" The Massachusetts Assembly refuses to rescind the circular letter as requested by the Secretary of State for the Colonies through the governor. The governor (Bernard) then dissolves the Assembly. The merchants of Boston enter into an agreement against importing from Britain.

" (Sept.) War vessels are dispatched to Boston, and troops are landed.

" (Oct.) Chatham resigns his office of Lord Privy Seal, and thus entirely severs even his nominal connection with Grafton's Ministry.

1769. (April.) George Washington wrote to a friend: "No man should scruple or hesitate a moment to use arms in defence of freedom, although only as the last resource."

" The American Non-importation Agreements (the boycott of British goods) spread everywhere in the Colonies.

1770. (Jan. 28.) Lord North becomes Prime Minister upon the resignation of the Duke of Grafton. Lord North is "ostensible minister"; King George, the "real minister."

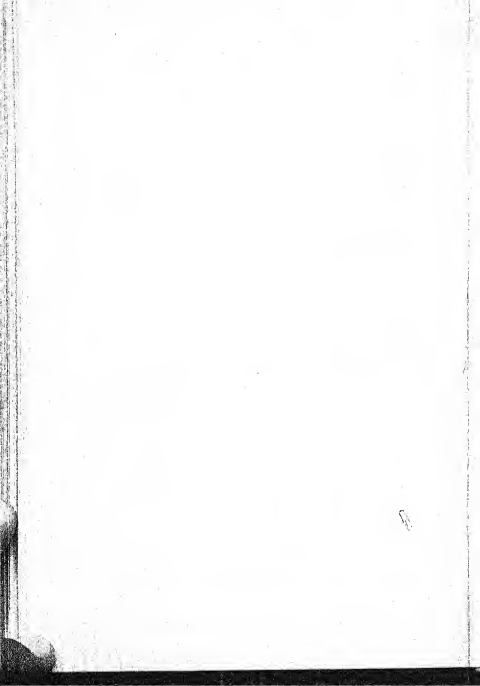
" Riots take place in New York and Boston. In Boston (March, 1770) the mob had surrounded a small band of British soldiers, and were using violence towards them, when the soldiers fired, killing three and wounding several. For this "Boston massacre" the soldiers, seven months afterwards, were tried in the Boston Civil Courts, two were convicted of manslaughter, and then and there were branded in the hand with a red-hot iron.

1770. Lord North's Act. It repeals all the duties imposed by the Revenue Act of 1767, except that on tea, which, however, is reduced to threepence per pound.
- " The American Non-importation Agreements are then limited to tea, and the storm lulls for two years.
- " Burke publishes *Thoughts on the Present Discontents*.
1772. (June.) A Royal schooner, the *Gaspée*, stationed off Rhodes Island to prevent smuggling, is boarded and burned.
1773. British ships laden with tea are consigned to the Colonies in the hope of encouraging Colonial consumption. "Sons of Liberty" organisations resolve to prevent the tea being landed or, if landed, sold.
- " (Dec. 16.) The "Boston tea-party." After a great meeting of 7,000 people at Boston, a body of men, disguised as Indians, go on board the tea-ships lying at the wharf in Boston harbour and pour the contents of 342 chests of tea into the sea. The Boston newspapers were calling for a Congress to frame a Bill of Rights or to form an American Commonwealth.
1774. (Jan.) At Boston, a British Customs officer is tarred and feathered and paraded under the gallows.
- " (March, etc.) The Five Penal Acts—viz. the Boston Port Act, etc.—are passed by large majorities. (See note to p. 36.)
- " (April 19.) Burke delivers his speech on "American Taxation" in support of a motion to repeal the duty on Tea entering America. The motion received only 40 votes.
- " (Sept. 5.) A Congress of all the Colonies, except Georgia, met at Philadelphia and drew up a Declaration of the Rights of America. The Stamp Act, the Tea Act, and the Penal Acts were declared illegal. The boycott of British goods and the resistance of Massachusetts were approved. In the Congress, Washington was one of the representatives of Virginia. Notwithstanding that virtual declaration of Independence, Washington at this time declared there was as yet no wish for Independence in any province.
- " Massachusetts organises a Militia of 12,000 men. Leaders are named, stores collected and everything arranged for instant action. Similar preparations are made in other Colonies.
- " (Nov.) Burke is elected M.P. for Bristol.
1775. Lord North's proposal for peace, the proposition of a ransom by auction as Burke calls it. (See notes to pp. 6, 66.)
- " (March 22.) Burke delivers his speech on "Conciliation with the Colonies."

122 BURKE'S SPEECH ON CONCILIATION WITH AMERICA.

1775. (April 18-19.) First action between the British and the Colonists at Lexington. The British have to retreat.
1776. (May) France and Spain send large subsidies to aid the Americans against Britain.
 - " (July 4.) The Congress at Philadelphia issued the Declaration of Independence " that the United Colonies are and of right ought to be free and independent States; that they are absolved from all allegiance to the British Crown." The Declaration was signed by every member of Congress (Aug. 2), and was adopted by all Thirteen Colonies except New York.
1777. (Oct. 16.) The British General Burgoyne, advancing south from Canada towards New York, surrendered at Saratoga with an army of nearly 6,000 men.
1778. (Feb. 6.) France allies herself with the United States, agreeing not to lay down arms until the Independence of the United States was ensured by treaty.
 - " (April.) Chatham's last speech. He declares for going on with the war now that France is taking part in it.
 - " (June 13.) France declares war against Britain.
1779. (June 16.) Spain declares war against Britain. In the House of Commons, Burke and Fox join their opponents in pledging to the Crown the support of the nation.
1780. Second Mysore War with Hyder Ali begins.
 - " (Dec. 20.) Britain declares war against Holland. Holland had been discovered to be arranging a treaty with the American Colonies.
1781. (Oct. 19.) Lord Cornwallis, shut in on the land side by American armies, and with the French fleet holding the sea in front, surrenders with his army of 7,000 men to Washington at Yorktown in Chesapeake Bay, Virginia.
1782. (March 20.) Lord North resigns, there being now a majority in the House of Commons against continuing the war. Rockingham becomes Prime Minister—Burke obtaining the minor but lucrative office of Paymaster-General.
 - " (July 1.) Death of Lord Rockingham. Lord Shelburne succeeds as Prime Minister.
 - " (Nov. 30.) Preliminary Treaty of Peace between Britain and the United States.
 - " (Dec. 20.) Treaty of Salbai ends First War with the Marathas, 1775-82.

- 1783 (Jan. 20.) Preliminary Treaty of Peace between Great Britain and France and Spain. The Independence of the United States is acknowledged.
- Treaty of Peace with Holland.
- " (Feb. 23.) Lord Shelburne resigns, the terms of the Treaty being disapproved by the coalition of Fox's and North's followers. The Duke of Portland is the new Prime Minister, and Burke again becomes Paymaster-General.
- " (Sept. 3.) Ratification of the Treaty of Peace (Treaty of Versailles). Only the war in India now remained.
- " Burke is elected Lord Rector of the University of Glasgow.
1787. Burke is one of the leading speakers in the Impeachment of Warren Hastings.
1790. Burke publishes *Reflections on the French Revolution*.
1797. Death of Burke.



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